

Ex. 6 Personal Privacy (PP)

May 16, 2022

Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

Director Christopher Wray
U.S. Federal Bureau of Investigations
935 Pennsylvania Avenue
Washington, DC 20535

Chief Corey Amundson
U.S. Department of Justice
Public Integrity Section
1301 New York Avenue, 10th Floor
Washington, DC 20005

Administrator Michael Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail code 1101A
Washington, DC 20460

RE: Environmental Justice

Dear Sirs,

Attached is a letter I am sending to President Biden regarding a very serious set of environmental issues taking place in Millsboro, Delaware, ten miles from President Biden's resort home in Rehoboth Beach. I am also sending a letter to Madam Vice President.

What I did not cover in that letter involves widespread corruption of public officials, a fraudulent \$65 million state-level class action settlement¹, and an accompanying fraudulent \$140 federal lawsuit against Mountaire Farms, a major poultry processor. According to the settlement document, Mountaire

¹ <https://www.mountaيرesettlement.com/pdf/Cuppels-v-Mountaire-Mtn-for-Final-with-ex.pdf>

Farms illegally disposed of sludge Inland Bays Regional Wastewater Facility, a public utility, and on private property.

The wastewater facility has been in failure since 2010, was issued a Notice of Non-Compliance in 2018, and has been operating on an expired permit since 2017. The corrective demands listed in the Notice were not made, the facility continues to operate in failure, and Sussex County plans to double its size. The public notice² regarding that expansion is rife with errors, instructs citizens to contact someone who is retired, and is engineered to pollute by design, and includes what the county refers to as a research project. Furthermore, the soil intended to be used for that project is that on which they settlement document states Mountaire Farms illegal disposed of sludge.

Citizens and class members were not told of the failures at the wastewater facility, or that Mountaire Farms committed that crime, until I discovered it buried in a single sentence on page 119, item 5, of the settlement document. Because of that, my community continues to suffer extreme health issues.

As you will read in the letter to the president, my husband, Dr. [Ex. 6 Personal Privacy (PP)] holds a PhD in meteorology and worked for NOAA for 30 years before retiring in December 2020³. He has published hundreds of peer-reviewed articles and is widely regarded as an international expert in large and small-scale weather patterns.

Our names are listed in yellow on [Ex. 6 Personal Privacy (PP)] of the settlement document because we objected to the lawsuit settlement for scientific and other corrupt reasons.

The short explanation regarding settlement is that air and water cannot reasonably be modeled to the degree of accuracy shown in the settlement maps. What appears to have taken place is that settlement has been drawn to include entities and individuals associated with the poultry industry, and to exclude communities along property lines. In other words, self-dealing. There are other very serious issues of impropriety as well.

With regard to the federal lawsuit, the final consent decree was to include remediation and resulted in treated water being provided to class members in one small area. No remediation was performed at the public wastewater facility near our home, and my community was not provided access to clean water, yet we also sustained and continue to sustain severe injury and death.

The consent decree was developed by both federal and state employees. According to class counsel, the state government was made aware of Mountaire disposing of sludge at the facility and did not cite or fine either Mountaire Farms or Sussex County, nor were class members told by class counsel. In addition, the decree did not include my community for inclusion in the map for those who are provided access to clean water. I believe that is a violation of my right to Due Process.

The criminal behavior in these matters extends into the Region 3 office of the EPA. An employee named Rick Rogers lied about me to Deputy Special Agent in Charge, Kimberly Bahney. Mr. Rogers told Ms. Bahney that I refuse to let anyone in the government talk to me. The opposite is true. Prior to his email to the criminal investigator, Mr. Rogers himself states in emails to other EPA staff that I attempted

² <https://dnrec.alpha.delaware.gov/events/public-hearing-inland-bays-regional-wastewater-treatment-facility/>

³ [https://www.cpc.ncep.noaa.gov/information/who_we_are/cpc_staff/\[Ex. 6 Personal Privacy \(PP\)\]shtml](https://www.cpc.ncep.noaa.gov/information/who_we_are/cpc_staff/[Ex. 6 Personal Privacy (PP)]shtml)

contacting everyone in the chain of command at the state level that I should have. Mr. Rogers also sent an email to a coworker painting me in a light that I suffer mental illness, which I do not.

Because of the fraudulent lawsuit and ongoing public corruption, I have been unable to obtain legal counsel for either the ongoing injuries, to stop the expansion of the Inland Bays facility, to perform the corrective demands, or to cease non-permitted activities. Likewise, the U.S. Attorney for the Delaware region told me it is a state issue. When I explained the criminal behavior extends into the federal government I was hung up on, just as I have been hung up on by the FBI and EPA repeatedly. Gentlemen, sometimes big crimes and big corruption happen.

I have a great deal of evidence to support my claims and will be providing it to your departments when time permits. I have been working no less than 80 hours per week on this extremely serious issue since early 2021. This is not how I anticipated spending retirement.

I need immediate assistance. Having lived in the Washington, DC, area until I was 48 years old, and spending a great deal of my career working with the Department of Defense for the Pentagon, I am intimately familiar with how government works. I have done things exactly the way a citizen is required to do and found precisely zero accountability.

Delaware will be making a determination regarding permit approval for expanding the Inland Bays facility shortly. Though I am a lifelong Democrat, I am quite familiar with how politics is played. If I do not receive a reply by June 1, 2022, I will hand all of my information to Marjorie Taylor Greene, Ted Cruise, Sarah Palin, and all of the extremist right-wing media outlets.

Enough is enough.

Respectfully,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

May 16, 2022

President Joe Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

RE: Environmental Justice

Dear Mr. President,

My name is Ex. 6 Personal Privacy (PP) I live in Millsboro, Delaware, ten miles from your resort home in Rehoboth Beach.

In this letter, I address two local environmental catastrophes surrounding Mountaire Farms, a major chicken processing factory, and the Inland Bays Regional Wastewater Facility, a failed public human waste facility, both of which are implicated in a major environmental crime. Some of that polluting has not been addressed criminally or been made public outside of a single sentence buried on page 119 of the resulting class action lawsuit settlement document.¹ In both locations, the failures and environmental crimes are ongoing, and the Inland Bays facility is operating on a permit that expired in 2017.

For over one year I have tried having these issues addressed by the county, state, and federal government (EPA case 1281294) to no avail. Likewise, my state and federal representatives have been of no assistance. I am a lifelong Democrat who worked tirelessly at the DCCC for five years during the Clinton administration managing the IT department. I voted for the you, Delaware's state executives, and all three of my federal senators and representative. Disappointment does not begin to express my feelings.

In this letter I discuss those environmental crimes. I then present a vision for Millsboro, Sussex County, and the State of Delaware that not only solves those problems, but would also be good for the economy, beneficial for the environment, and invaluable to the health of citizens.

I am reaching out to you directly because I am certain you have visited Millsboro numerous times over the years and are intimately familiar with the area and the challenges we face. As a lifelong resident and longtime politician of Delaware, you are also familiar with our local history and the importance of both the poultry and hospitality industries.

These issues are germane to many of those you campaigned on. Issues I think you truly believe and have demonstrated are important, and not simply words to get elected. Among those are public health, environmental justice, global warming, and the pandemic.

¹ <https://www.mountairsttlement.com/pdf/Cuppels-v-Mountaire-Mtn-for-Final-with-ex.pdf> (page 119, item 5).

The Problem

Mountaire Farms' Millsboro factory has a broken septic system that, according to long-time locals, has been in failure since the plant was purchased in 2000 from Preston Townson, grandson of former Delaware Governor John Townson.

Mountaire Farms is now owned by a man named Ron Cameron. Mr. Cameron was the fifth largest contributor to the Donald Trump campaign and was appointed to President Trump's advisory committee on the ongoing pandemic.²

In addition to the failed septic system, the factory had major outbreaks of COVID-19. I was told by a plant worker that the outbreaks were far worse than was publicized, that Hispanic line workers were "packed in like animals", and that the facility is not kept clean aside from when they are alerted that the USDA is coming to inspect. I was also told that the smell of the broken septic system is well known to factory workers, and that it is visible during heavy storms.

In 2017 Mountaire Farms was issued a Notice of Non-Violation³ (NOV) for polluting. Among the violations in that notice, Mountaire Farms was cited for illegally disposing of egregious levels of domestic waste fecal coliform bacteria and extremely high levels of nitrates.

In the final moments of the fairness hearing of the resulting lawsuit it was revealed that Mountaire Farms illegally polluted on a public wastewater facility named Inland Bays Regional facility. That facility is less than one mile upstream of my community. It is operating in failure and has not had an operating permit since 2017.

In addition, the lawsuit addressed only the nitrate levels and requires Mountaire Farms to upgrade only its wastewater processing system. What was not addressed were the domestic waste fecal coliform bacteria levels. The septic system is likely still in failure and, as you will read, will surely fail again.

In 2018, Sussex County was issued a Notice of Non-Compliance for gross mismanagement and for high levels of nitrates at the Inland Bays facility. None of the corrective demands in that notice were made. Furthermore, the facility has shown excessive levels of nitrates since 2010. The public was not alerted of either the failures or that Mountaire Farms illegally disposed of sludge on the Inland Bays facility, even though the county, state, and federal governments are all fully aware of both.

Because our region is primarily on well water, the result of those failures has been widespread sickness and death. While the majority of those who were impacted are poor minorities, my small middle-class community took the brunt of those past and ongoing failures. Living through this has been nothing short of torturous. I have included gruesome images of some of the victims in my community alone. They show the tragic truth of what has happened.

I investigated the matter and discovered that neither Mountaire Farms nor Inland Bays ever stopped polluting. Monitoring well data show continued excessive levels of nitrates at both sites. Likewise, I inspected the woods in one of the settlement areas and discovered polluting never stopped.

² https://en.wikipedia.org/wiki/Mountaire_Farms

³ <http://www.dnrec.delaware.gov/Admin/Documents/dnrec-hearings/2020-P-W-0014/2017%2011%2002%20Mountaire%20NOV.pdf>

In one particular instance, a black family who are good friends of mine and who suffered extreme health issues, has both the ongoing polluting behind their home and a large illegal landfill beside them. If that were not bad enough, satellite imagery shows polluting in progress where the landfill is now located.⁴ Their community is comprised of poor citizens who live next to newly built large homes owned by the wealthy.

Cause of the Failures

My husband, Dr. [Ex. 5 Personal Privacy (PP)] holds a PhD in meteorology and worked for NOAA for 30 years before retiring in December 2020⁵. He has published hundreds of peer-reviewed articles and is widely regarded as an international expert in large and small-scale weather patterns.

Our names are listed in yellow on [Ex. 5 Personal Privacy (PP)] of the settlement document because we objected to the lawsuit settlement for scientific and other corrupt reasons. While out of scope in this letter, I would like the opportunity to discuss the details regarding our objection with someone in the Department of Justice, preferably in the recently announced Environmental Justice division and/ or within the Federal Bureau of Investigations.

2017 was a particularly wet season in which our region experienced a total of 46.26 inches of rainfall.

Evidence suggesting the failing septic system at Mountaire Farms was reaching the breaking point is shown in the NOV when, on April 24 and May 25, 2017, bacteria levels already had exceeded the permit limits by as much as 400%. In the eight weeks preceding the NOV issuance, our region received a total of 12.58 inches of rainfall, saturating the ground. Finally, on August 30, 2017, catastrophe struck. A single storm dropped 3.83 inches of rain onto already saturated fields.

What I was told by locals, and the only thing that makes sense, is that Mountaire Farms' septic system failed, creating an emergency situation. Truckloads of fresh water were taken to the factory in the middle of the night. Rather than report the crisis as is required of the permit, a business decision was made to deliberately spray human waste throughout the region onto their spray fields, within woods, and onto the Inland Bays public wastewater facility. The result of which was widespread illness and death, and extreme damage to the environment.

Domestic waste fecal coliform bacterial levels are not supposed to exceed the permit levels of 200 coliforms / mL and reached as high as 1,100,000. That was combined with equally staggering levels of nitrated effectively creating a bacterial bomb. The unsuspecting public was not told.

Mountaire Farms and Inland Bays both operate large land-application spray irrigation systems. David Baird, of Sussex Conservation District, told me that 24 years ago both the state and EPA were warned that limiting waste disposal options to land application and ocean outfalls would lead to major problems. The government did not head that warning, and my community paid the price. In addition, Mr. Baird agreed that land application spray fields have a natural life span and do not last forever.

Even though the county is aware of the following scientific reasons for why the plan moving forward will fail, they have applied for a permit to double the size of the failed Inland Bays facility, yet still have not addressed the existing failures.

They played Russian Roulette with our lives, and we lost. Now they want to do it again.

⁴ <https://goo.gl/maps/JVqhD9i7DiDC3zpH8>

⁵ [https://www.cpc.ncep.noaa.gov/information/who_we_are/cpc_staff/\[Ex. 5 Personal Privacy \(PP\)\]shtml](https://www.cpc.ncep.noaa.gov/information/who_we_are/cpc_staff/[Ex. 5 Personal Privacy (PP)]shtml)

Impending Humanitarian and Ecological Disaster

The warning given to the state and EPA regarding potential failures was based on the fact that the technology in use is antiquated and because of anticipated population growth, which has been further compounded by the ongoing pandemic.

What was not considered are two meteorological reasons why land application at both Mountaire Farms and Inland Bays will continue to fail. Indeed, all similarly run land application wastewater facilities on the eastern seaboard face the same risk. This analysis was confirmed by an attorney who once worked for the EPA water enforcement division who understands the science.⁶

Sussex County engineer, Hans Medlarz, stated the planned Inland Bays facility upgrades are designed to handle only a 100-year flood, which is not a meaningful prediction tool. Any slow-moving tropical storm could cause those conditions. (On May 13, 2013, Sussex County had a storm that dropped 8.38 inches of rain in a few hours.) In addition, it does not address wet periods in which multiple storms cause the same saturated conditions that would significantly impair the functionality of the wastewater facilities. Such conditions took place in 2017 that led up to the Mountaire Farms disaster.

The most recent satellite image shows that the facility already cannot handle the volume of waste being processed.⁷ Furthermore, historic satellite imagery shows the facility has never been properly managed.

Another issue is related to a multi-decadal climate pattern, the North Atlantic Oscillation, that will be bringing significantly colder winters to the eastern seaboard. We have been in the warm phase of that pattern since the mid-1980s and could emerge from it any winter. (See attached.)

This presents two problems:

First, the land will freeze more frequently. When it does, it will not absorb any of the effluent, which will cause runoff. Runoff already happens on ground that isn't frozen, which I have shown in countless emails and reports to government officials at all levels.

Second, when combined with other climate signals, such as El Niño, which brings more rainfall and snowfall to the eastern seaboard, it could create disastrous conditions. The irrigation systems would be rendered useless, and the lagoons would fill with snow.

I was told by an employee of the Inland Bays facility that the operators are already concerned about a "catastrophic overflow of the lagoons". Furthermore, the massive influx of residents to the area in recent years is only making the problem worse.

By the time it arrives it will be too late to address.

The government must come to terms with the fact that our waste management facilities have breached the breaking point. We need modern facilities that can handle the explosive population growth in recent years. We should not have facilities that are engineered to pollute by design as a failure contingency, nor should facilities exist that can easily be gamed by monied interests and ruthless corporations that obviously do not care about either human suffering or the environment.

⁶ Bernadette "Bern" Rappold, Greenberg & Traurig, rappoldb@gtlaw.com, (202) 331-3127

⁷ <https://goo.gl/maps/9cKR9K7Iq8vP73xN9>

The Solution

Mr. President, you campaigned on Environmental Justice, promising to "hold polluters accountable"⁸. As previously stated, I believe you made that commitment because you understand the incredible importance of protecting both the rapidly deteriorating environment and the citizens who are impacted by that polluting. Furthermore, your Justice 40 initiative and recently announced Department of Justice - Environmental Justice division prove that you do not simply talk the talk, but also walk the walk. You are clearly a man of your word.

You are fundamentally right. We, as a nation, should build back better.

The following idea has been pitched to numerous members of the community including citizens, business leaders large and small, environmentalists, and government employees. It would be palatable to both political parties and would be highly accretive to the economy as it would bolster both the poultry and hospitality industries. It even benefits Mountaire Farms.

It is universally received as an excellent plan.

Mountaire Farms and the adjacent woods sit on thousands of acres of incredibly valuable undeveloped land along the Indian River on an otherwise beautiful waterfront with a compelling shape.

Surely you remember when the Indian River was the premier vacation destination on the eastern shore before it was destroyed by a winter storm in 1962. The history sign in Riverdale reminisces of the Riverdale Resort with a beach, boardwalk, amusement park rides, and what I was told were floating dance halls featuring headliner acts including Louis Armstrong, Count Basie, James Brown, Cab Calloway, Ray Charles, Sam Cooke, Fats Domino, Duke Ellington, Ella Fitzgerald, Aretha Franklin, Jacki Wilson, and Steven Wonder.

Rather than permanently destroy that beautiful landscape, the Mountaire Farms plant should be purchased using eminent domain and rebuilt on the western side of the county where it falls under federal Chesapeake Bay watershed protection.

I do not believe Mountaire Farms, the state of Delaware, or Sussex County want to pollute and harm citizens. They likely see it as a necessary evil and an unsolvable quandary. One in which public waste facilities were co-opted by monied interests willing to capitalize on environmental destruction at the cost of abject human suffering.

Mountaire Farms, nor any other poultry processor, would likely make the investment to upgrade to modern factories using new green technologies, but that does not mean it should not be done. That technology should recycle the wastewater and use the new biofuel technology that it generates onsite.

Projects such as this benefit the local, state, and federal economies and therefore should be funded almost exclusively, if not entirely, by them.

Mountaire Farms will likely not be opposed to a free bigger and better factory able to process more poultry. It is an investment that would pay for itself in a matter of years and would do so in perpetuity. What it lacks is political will and leadership.

Mr. President, please honor your campaign promises. Set the bar for the industry.

⁸ <https://joebiden.com/climate-plan>

In its place the waterfront should be developed. It is directly adjacent to the quaint town of Millsboro. If designed properly it could have water taxis that take vacationers from the beach and nearby RV parks to various locations along the beautiful Indian River. Citizens have recommended waterfront dining, parkland, dog parks, a carousel, and theaters. The forests should be used for camping, bike trails, and a nature center.

While we still need to focus on remedying the horrible tragedy that led to this point, we should also give the region something to look forward to, a playground for our great Nation's Capital, and once again a vacation destination for the entire eastern seaboard, if not the world.

There is money to be found. The state is boasting a nearly \$1 billion budget surplus. Developers would clamor for the land. The National Park Service could contribute, the Superfund program is available, and there are SBIR programs throughout the federal government. The \$85 million Millsboro bypass that locals see as nothing more than an on-ramp for Mountaire Farms should be abandoned. It will permanently destroy Millsboro Pond, where locals do not want it, and there are better places to build it.

If this opportunity is lost, it is lost forever.

I was told by someone from Senator Coons' office, "Do you know how hard eminent domain is?"

Mr. President, big things can happen, just as big crimes can happen. The United States did not become the powerhouse economy we are by saying, "That's hard." We became the country we are *because* we take on challenges like these.

I do not make the rules, but the answer is clear to me and to those I've run the idea past. In the words of the manager of a very successful local restaurant, "It's obvious."

Many of the victims of these environmental and public trust crimes live in underserved minority communities. I am an avid historian. Far and beyond the person I find most inspiring is Harriet Tubman. She was bold, and she was brave. She knew right from wrong and was guided by steadfast principles and a deep devotion to God.

I thought about Harriet many times this past year as I explored the nearby woods seeking out Environmental Justice, but finding none. I personally would like, and believe would be appropriate, to see a tribute built in her honor. Accompanying that development announcement should be the unveiling of a new \$20 bill in her honor.

The reverse of that bill should not be the White House. It should be Harriet, clutching her rifle, traversing a stream on her journey of Social Justice, leading her people to Freedom.

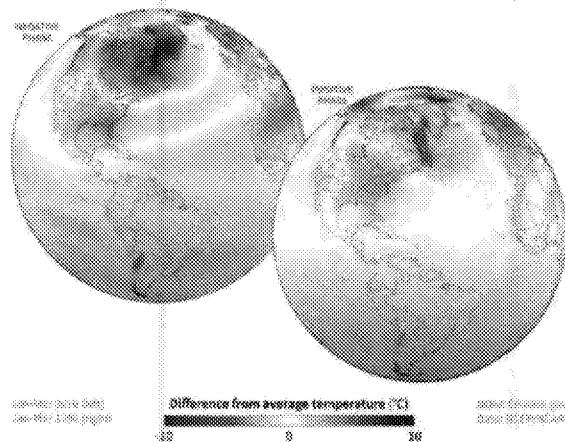
Respectfully,

Ex. 6 Personal Privacy (PP)

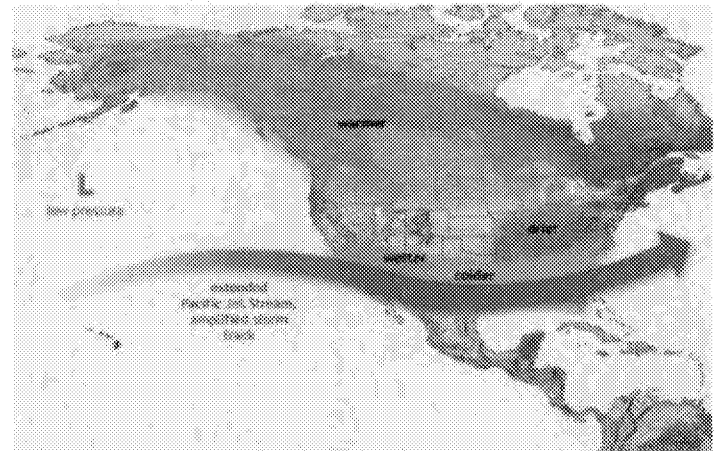
Figures Pertaining to Meteorology

North Atlantic Oscillation (NAO) patterns showing colder winter temperatures and wetter conditions during El Niño.

NAO TEMPERATURE PATTERNS

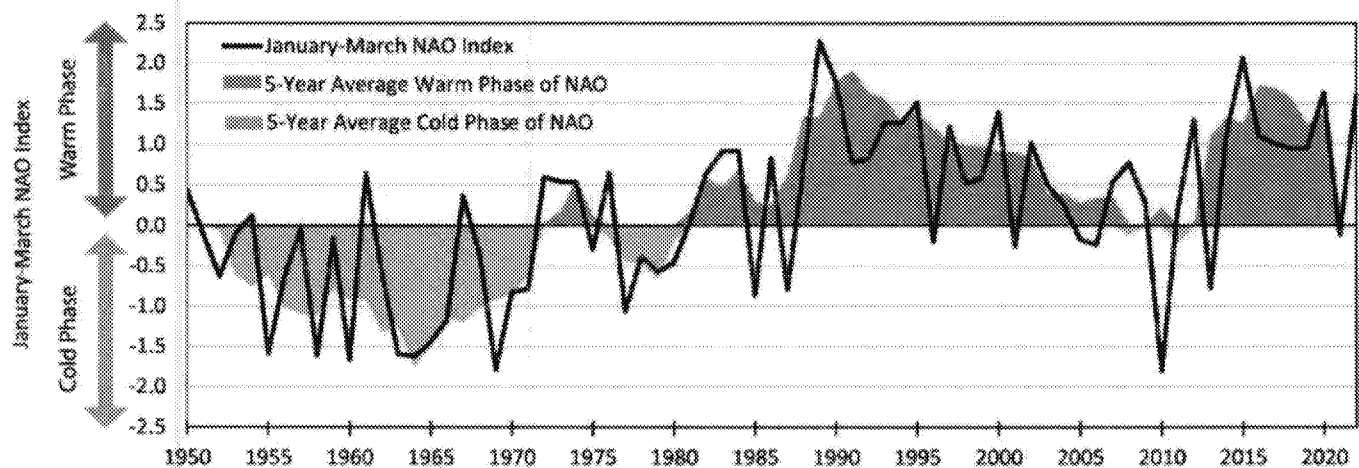


WINTER EL NIÑO PATTERN



1

Cyclical pattern showing temperature variability in the Millsboro area since 1950.



2

¹ <https://www.climate.gov/news-features/understanding-climate/climate-variability-north-atlantic-oscillation>
<https://www.climate.gov/news-features/understanding-climate/el-ni%C3%B1o-and-la-ni%C3%B1a-frequently-asked-questions>

² Image developed by Dr. [Ex. 5 Personal Privacy (PP)] See attached vitae.

Warning: The attached images are disturbing.

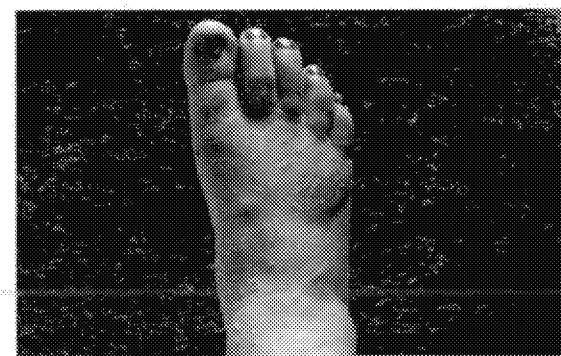
Sadly, they are the reality of what is happening to my community. In an effort to warn unwitting citizens, I spoke to many in the broader community and found ongoing sickness and death throughout.

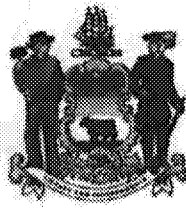
My husband and I have purchased whole home water treatment systems, reverse osmosis machines, fresh water, medicine, probiotics, and provided water test kits to mitigate the immediate damage. Yet, I know there are others.

We have spent well over \$50,000 fighting this battle. We are not wealthy by any means and are dipping into retirement funds to do so. But we do not feel citizens should be forced into abject suffering at the hands of an unconcerned government, boasting a one-billion-dollar budget surplus, that is willing to look the other way while citizens are knowingly living in misery.

"Delawareans deserve clean water. It's as simple as that!" –Governor John Carney

Victims





STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

December 27, 2018

First Class Mail, and
CERTIFIED MAIL 7014 1820 0000 5868 0440

Attn: Todd Lawson, Town Manager
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

Re: 2018 Compliance Inspection and *Notification of Non-Compliance*
Inland Bays Regional Wastewater Facility
State of Delaware Spray Irrigation Permit LTS 5004-90-12

Dear Mr. Lawson,

The Groundwater Discharges Section (GWDS) performed a Compliance Inspection at the Inland Bays Regional Wastewater Treatment Facility (Inland Bays) on October 4, 2018. A copy of the Inspection Report is enclosed for your review. Please review the report carefully and if you feel there are any discrepancies, please provide written documentation by January 18, 2019.

At the time of the inspection of Inland Bays, there were areas of non-compliance noted with the current permit and/or 7 Del.Admin.C. §7101, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems (Regulations).

The following are *Items of Concern* and/or *Areas of Non-compliance* as they appear in the 2018 Compliance Inspection Report:

Items of Concern:

- Item Sludge Storage
 - Permit Conditions: Part II.A.9, Removed Substances which states in part, "Solids, sludge's, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from entering the surface water or groundwater and to applicable federal or state laws or regulation."
 - Permit Conditions: Part III.C.2, Sludge Handling Requirements which states in part, "Prior to any planned change in the permittee's sludge use, treatment or disposal practice(s), the permittee shall notify the Department's Groundwater Discharges Section in accordance with the requirements of Part II.A.5 of this permit. A change in the permittee's sludge use,

Delaware's good nature depends on you!

treatment or disposal practice(s) shall be considered cause for Permit Number AGU-1504-S-03 to be modified, or revoked and reissued."

- Concern: Permittee is storing sludge from another facility, South Coastal, (sludge drier installation planned in 2019 to make class A biosolids) without a permit.
- Corrective Action: By February 1, 2019 the GWDS requires Inland Bays to evaluate their sludge storage and disposal plan to determine if a permit is needed and, if required begin taking actions necessary in order to obtain such permit.

Areas of Non-compliance:

- Item 9, 11, and 116: Monitoring Data
 - Permit Conditions: Part I.F Groundwater Requirements which states in part, "Operation of the wastewater treatment facility and spray irrigation system shall not cause the quality of Delaware's groundwater resources to be in violation of applicable Federal or State Drinking Water Standards on an average annual basis."
 - Concern: In 2017, monitoring wells MW 86146 (#2), MW 208214 (#12), MW 208215 (#13), MW 208217 (#15), MW 237074 (#18), MW 238298 (#21), MW 238299 (#22), MW 238968 (#24) and MW 252815 (#29) exceeded the annual Federal and State primary drinking water nitrate standard of 10 mg/L. As noted in previous compliance inspections, nitrate in MWs off-site have continued to exceed the drinking water standard. During the same period, Lysimeter 237807 (#1), Lysimeter 237808 (#2) and Lysimeter 252842 (#5) were also above the annual primary drinking water nitrate standard of 10 mg/L.
 - Corrective Actions: By February 1, 2019, the GWDS requires Inland Bays to investigate and report to the GWDS on the probable cause of the high nitrate-nitrite in the monitoring wells and lysimeters.
- Item 20: Monitoring of Freeboard
 - Regulatory Condition: Section 6.3.2.3.5.7 Ponds which states in part, "At least (3) feet of freeboard, measured from the lowest point of the berm, is required for all ponds. The lowest point of the berm must be determined and marked."
 - Concern: Facility installed a transducer to monitor effluent storage lagoon levels, but have not recorded lagoons depths, since June 2018 in order to document a three-foot freeboard is being maintained.
 - Corrective Actions: By February 1, 2019, the GWDS requires Inland Bays to determine the lowest point of the storage lagoons and mark them. Once the lowest point of the storage berm is determined and marked, Inland Bays must investigate and correlate a surrogate depth measure at another location and method to determine freeboard as long as it satisfies section 6.3.2.3.5.6 of the Regulations.
- Item 32 and 95: Facilities Operation
 - Permit Conditions: Part II.A.4, Facilities Operations which states in part, "The permittee shall at all times properly maintain and operate as efficiently as possible all structures, systems and equipment for treatment control and monitoring which are used by the permittee to achieve compliance with the terms and conditions of this permit."

- Concern: Spray pivots on the South and North Hettie-Lingo fields were leaking wastewater. The permittee reported the spray rigs on North and South fields will be repaired or replaced in the fall of 2018.
- Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to inspect all pivots to determine which pivots need repair and/or replacement. Inland Bays must submit the assessment of the pivots with a work plan including a timeline to have these pivots repaired or replaced.
- Item 100: Maintaining Spray Buffer Zones
 - Permit Condition: Part I.E.3, Buffer Requirements, "A buffer zone of 100 feet shall be maintained between the wetted edge of the spray field and all other areas not previously mentioned in items 1 and 2 of Buffer Requirements."
 - Concern: Facility is spraying wastewater on South Burton and North Hettie Lingo fields with an internal public access road dividing these two fields. When wastewater is sprayed a 100 foot buffer is not being maintained.
 - Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to investigate the cause of the wastewater drifting onto the internal road and submit a solution to the GWDS that will maintain at least a 100 foot buffer. In the meantime, Inland Bays must adjust spraying in this area to reduce the likelihood that the public will come in contact with wastewater while accessing this public road.
- Item 107: Crop Condition
 - Permit Condition: Part III.A.3.e, Management of Spray Irrigation Fields which states in part, "The spray irrigation field's crops must be maintained in optimal condition, including any necessary weed management, reseeding, or other vegetative management practices."
 - Concern: The South field did not have crop (soybeans) on a good portion of the field (see file for pictures).
 - Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to submit a work plan (2019 VMP) to manage the South Field in a manner that ensures cropping follows their vegetative management practice even in the event of inclement weather.
- Item 122: Facility Signs
 - Permit Condition: Part III.A.7, General Conditions which states in part, "Signs must be posted along the perimeter of, and at all entry points to, areas utilizing treated wastewater for irrigation to discourage public contact with the effluent. The signs must indicate that the water being irrigated is treated wastewater."
 - Concern: Signs indicating the facility is spraying wastewater were not located along the perimeter of the spray fields.
 - Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to install signs around the perimeter and all entry points where wastewater is sprayed in accordance with the above mentioned permit condition and section 6.3.2.3.3.1 and 6.3.2.3.13.2 of the regulations.

The GWDS is attempting to gain voluntary compliance in accordance with 7 Del.C. §6019. Failure to comply with the required corrective actions detailed in this correspondence may result in formal enforcement action in accordance with 7 Del.C. § 6005. Please send your formal written response and any required documentation to my attention at DNREC, Division of Water, Groundwater Discharges Section, Large Systems Branch, 89 Kings Highway, Dover, DE 19901. The above mentioned violations are currently undergoing further review and the Department reserves the right to pursue additional enforcement action pending the outcome of that review. Along with the review of the mentioned violations, the GWDS is in the process of finalizing the review of the 2017 Annual Report that Inland Bays submitted earlier this year and any outstanding items from past compliance inspections or reviews of annual reports.

The GWDS appreciates your cooperation during the inspection and continued commitment to maintaining compliance at the Inland Bays Regional Wastewater Facility.

If you have any questions, please feel free to contact me at (302) 739-9321.

Regards,



Kenneth B. Schoch
Environmental Scientist
Groundwater Discharges Section
DNREC, Division of Water

eCC: Michael Winters, DRC
Edwin Tennefoss, Sussex County
Marlene Baust, DNREC
Jack Hayes, DNREC



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

First Class Mail and
CERTIFIED MAIL # 7014 1820 0000 5868 0495

November 2, 2017

**NOTICE OF VIOLATION
W-17-GWD-13**

Mike W. Tirrell, Executive Vice President of Business Strategy & Administration
Mountaire Farms of Delaware, Inc
PO Box 1320
Millsboro DE 19966

**Re: Notice of Violation –Mountaire Farms of Delaware, Inc.
State of Delaware Spray Irrigation Permit Number 359191-04
State of Delaware Agricultural Utilization Permit AGU 1402-S-03**

Dear Mr. Tirrell,

Pursuant to the authority in 7 Del.C. § 6005, this **Notice of Violation (NOV)** is being issued to Mountaire Farms of Delaware, Inc. (Mountaire) for violation of 7 Del.C., Chapter 60, 7 Del.Admin. C. § 7101 *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems* (the On-Site Regulations), State Permit 359191-04 (Permit), 7 Del.Admin. C. § 7103 *Guidance and Regulations Governing the Land Treatment of Wastes* (the Biosolids Regulations) and State Permit AGU 1402-S-03 as documented below.

Part I. Spray Irrigation Permit Number 359191-04

SPRAY IRRIGATION - BACKGROUND

Mountaire is permitted to treat and spray irrigate reclaimed wastewater onto agricultural farmland divided into 13 spray zones located north and south of State Route 24, Millsboro, Delaware. Approximately 542 acres of the 928 acre farmland is permitted for wet and cold weather use. The facility is permitted to dispose of a monthly average quantity of 2.6 million gallons per day at a rate not to exceed 2.5 inches per acre averaged over a 7 day period. The facility has been designed for a monthly effluent Total Nitrogen concentration of 15.6 mg/L. The total amount of nitrogen that may be applied to each spray field acre annually is 320 lbs.

Delaware's good nature depends on you!

On August 18, 2017, Mountaire appealed the 2017 renewal permit to the Environmental Appeals Board. The appeal disputes the above mentioned Schedule of Compliance and is pending a hearing.

Recent Wastewater Treatment Plant (WWTP) System Upset

On September 5, 2017, the GWDS received a notice via cover letter attached to Mountaire's July Discharge Monitoring Report (DMR) indicating operations staff discovered that effluent composite samples were being collected at an invalid sampling point. The letter further noted:

1. The composite sampler only collected from clarifier A. Clarifier B was noted as containing a greater concentration of solids carry over.
2. The composite sampler was moved to a wet well to better represent effluent parameter concentrations from both clarifiers.
3. The facility had enlisted the services of Tidewater Utilities to restore system functionality and Reid Engineering Co. Inc., to evaluate the system and provide engineering services related to system upgrades, if needed.

On September 7, 2017, the GWDS received verbal notice from the facility's operational staff regarding the discovery of additional non-compliance items:

1. Two grab samples were collected at spray pivots over a 2 day back-to-back period for September 2017.
2. Fecal Coliform on 8/31/17 exceeded 1,000,000 col/100 ml.
3. Total chlorine residual was 0.2 mg/L.
4. Not all flow from the clarifiers discharges into the storage lagoon. Their investigation found lines bypassing the lagoon and discharging directly to central pivots.
5. Preliminary tests and evaluation conducted by the facility and contractors indicate that the system needs to be reseeded.

On September 8, 2017, the GWDS provided Mountaire with written notice (email) regarding their non-compliant Fecal Coliform and outlining required minimum mitigation efforts, items to be addressed, and documentation to be submitted concerning the Non-Compliance Event (NCE).

On September 13, 2017, the GWDS received Mountaire's 5-day Non-Compliance Notification Letter. After review of this notice, on September 15, 2017, the Division of Water responded requesting additional clarification.

On September 20, 2017, the GWDS received Mountaire's bi-weekly progress report along with another 5-day Non-Compliance Notification Letter. Subsequently, on September 29, 2017, the Division of Water responded indicating that this submittal did not comply with the requirements of the Department's September 15, 2017 letter requiring additional actions and information.

On September 20, 2017 and September 26, 2017, Mountaire met with the Department to discuss the NCE, corrective actions that Mountaire was performing and/or scheduling to bring the

Characteristic	Date	Result	Unit
Total Nitrogen	1/4/2017	56.2	mg/L
Total Nitrogen	2/8/2017	41.86	mg/L
Total Nitrogen	3/1/2017	18.76	mg/L
Total Nitrogen	4/24/2017	76.75	mg/L
Total Nitrogen	5/25/2017	30.8	mg/L
Total Nitrogen	6/21/2017	31.47	mg/L
Total Nitrogen	7/28/2017	26	mg/L
Total Nitrogen	8/30/2017	406	mg/L
Total Nitrogen	9/14/2014	368	mg/L
Total Nitrogen	9/21/2017	356	mg/L
Total Nitrogen	9/26/2017	641	mg/L
Total Nitrogen	9/28/2017	210	mg/L
Total Nitrogen	9/29/2017	320	mg/L
Total Nitrogen	10/2/2017	172	mg/L
Total Nitrogen	10/3/2017	163	mg/L
Total Nitrogen	10/4/2017	142	mg/L
Total Nitrogen	10/5/2017	164	mg/L
Total Nitrogen	10/6/2017	184	mg/L
Total Nitrogen	10/9/2017	151	mg/L
Total Nitrogen	10/10/2017	182	mg/L
Total Nitrogen	10/9/2017	151	mg/L
Total Nitrogen	10/10/2017	182	mg/L
Total Nitrogen	10/11/2017	105	mg/L
Total Nitrogen	10/12/2017	98	mg/L
Total Nitrogen	10/13/2017	102	mg/L
Total Nitrogen	10/16/2017	98.2	mg/L
Total Nitrogen	10/17/2017	122	mg/L
Total Nitrogen	10/18/2017	136	mg/L
Total Nitrogen	10/19/2017	111	mg/L
Total Nitrogen	10/20/2017	118	mg/L

2. The permit limit of 320 lbs/acre-year for Nitrogen loading was exceeded for 2015.

Citation:

Permit Number 359191-04, Part I.D.9 which states, in part, "The total amount of nitrogen that may be applied to each spray field acre shall not exceed the following amounts...320 lbs/year."

Biological Oxygen Demand (BOD)-5	7/1/2015	99.5	mg/L
Biological Oxygen Demand (BOD)-5	8/5/2015	167	mg/L
Biological Oxygen Demand (BOD)-5	11/10/2015	68.4	mg/L
Biological Oxygen Demand (BOD)-5	1/6/2016	67.7	mg/L
Biological Oxygen Demand (BOD)-5	2/17/2016	82	mg/L
Biological Oxygen Demand (BOD)-5	3/2/2016	65.2	mg/L
Biological Oxygen Demand (BOD)-5	4/6/2016	58.3	mg/L
Biological Oxygen Demand (BOD)-5	5/25/2016	144	mg/L
Biological Oxygen Demand (BOD)-5	6/22/2016	73.6	mg/L
Biological Oxygen Demand (BOD)-5	11/9/2016	69.1	mg/L
Biological Oxygen Demand (BOD)-5	7/28/2017	54.3	mg/L
Biological Oxygen Demand (BOD)-5	8/30/2017	816	mg/L
Biological Oxygen Demand (BOD)-5	8/31/2017	1200	mg/L
Biological Oxygen Demand (BOD)-5	9/6/2017	256	mg/L
Biological Oxygen Demand (BOD)-5	9/14/2017	990	mg/L
Biological Oxygen Demand (BOD)-5	9/19/2017	210	mg/L
Biological Oxygen Demand (BOD)-5	9/22/2017	1210	mg/L
Biological Oxygen Demand (BOD)-5	9/26/2017	530	mg/L
Biological Oxygen Demand (BOD)-5	9/27/2017	151	mg/L
Biological Oxygen Demand (BOD)-5	9/28/2017	266	mg/L
Biological Oxygen Demand (BOD)-5	9/29/2017	266	mg/L
Biological Oxygen Demand (BOD)-5	10/2/2017	127	mg/L
Biological Oxygen Demand (BOD)-5	10/3/2017	61.8	mg/L
Biological Oxygen Demand (BOD)-5	10/4/2017	53.6	mg/L
Biological Oxygen Demand (BOD)-5	10/5/2017	57.4	mg/L
Biological Oxygen Demand (BOD)-5	10/17/2017	56.8	mg/L
Biological Oxygen Demand (BOD)-5	10/18/2017	60.9	mg/L

4. The permit limit of 50 mg/L (90 mg/L 2009 Permit) for TSS was exceeded on the following days:

Citation:

Permit Number 359191-04, Part I.D.11 states, in part, "The facility has been designed for limited public access. The treated wastewater utilized for limited public access sites must meet the following daily permissible average concentrations... c. The treated wastewater must not contain more than 50 mg/L of Total Suspended Solids."

Violation:

Mountaire reported the permit limit of 50 mg/L (90 mg/L 2009 Permit) for TSS was exceeded on the following days:

Characteristic	Date	Result	Unit
Total Suspended Solids	5/25/2016	110	mg/L
Total Suspended Solids	8/30/2017	2320	mg/L
Total Suspended Solids	8/31/2017	3480	mg/L
Total Suspended Solids	9/14/2017	2840	mg/L
Total Suspended Solids	9/19/2017	490	mg/L
Total Suspended Solids	9/21/2017	2780	mg/L
Total Suspended Solids	9/26/2017	4220	mg/L
Total Suspended Solids	9/27/2017	570	mg/L
Total Suspended Solids	9/28/2017	620	mg/L
Total Suspended Solids	9/29/2017	960	mg/L
Total Suspended Solids	10/2/2017	130	mg/L
Total Suspended Solids	10/3/2017	96	mg/L
Total Suspended Solids	10/4/2017	100	mg/L
Total Suspended Solids	10/5/2017	150	mg/L
Total Suspended Solids	10/6/2017	320	mg/L
Total Suspended Solids	10/9/2017	380	mg/L
Total Suspended Solids	10/10/2017	280	mg/L
Total Suspended Solids	10/11/2017	265	mg/L
Total Suspended Solids	10/12/2017	130	mg/L
Total Suspended Solids	10/13/2017	71.2	mg/L
Total Suspended Solids	10/16/2017	76.9	mg/L
Total Suspended Solids	10/17/2017	125	mg/L
Total Suspended Solids	10/18/2017	182	mg/L
Total Suspended Solids	10/19/2017	142	mg/L

5. The permit limit of 200 colonies/100 mL for Fecal Coliform was exceeded on the following days:

Citation:

Permit Number 359191-04, Part I.D.11 states, in part, "The facility has been designed for limited public access. The treated wastewater utilized for limited public access sites must meet the following daily permissible average concentrations... b. Disinfection of wastewaters containing domestic waste is required to yield a discharge not to exceed 200 col/100 mL Fecal Coliform."

Violation:

Mountaire reported the permit limit of 200 mg/L for Fecal Coliform was exceeded on the following days:

Characteristic	Date	Result	Unit
Fecal Coliform (FC)	4/24/2017	800	col/100 ml
Fecal Coliform (FC)	5/25/2017	301	col/100 ml

Fecal Coliform (FC)	8/30/2017	727,273	col/100 ml
Fecal Coliform (FC)	8/31/2017	1,100,000	col/100 ml
Fecal Coliform (FC)	9/15/2017	> 8,000	col/100 ml
Fecal Coliform (FC)	9/26/2017	110,000	col/100 ml
Fecal Coliform (FC)	9/27/2017	> 1,000	col/100 ml
Fecal Coliform (FC)	9/28/2017	790,000	col/100 ml
Fecal Coliform (FC)	9/30/2017	1,400	col/100 ml

6. The permit requirement of maintaining a Total Chlorine Residual between 1.0 mg/L and 4.0 mg/L was not met on the following days:

Citation:

Permit Number 359191-04, Part I.D.6 which states, *"The total residual chlorine concentration shall not be less than 1.0 mg/L nor more than 4.0 mg/L at any time."*

Violation:

Mountaire failed to maintain a Total Chlorine Residual (must be between 1.0 mg/L and 4.0 mg/L). Mountaire staff provided verbal non-compliance notification to the GWDS staff on September 7, 2017 that their Total Chlorine Residual values were non-compliant in July. Mountaire failed to notify of the non-compliant Total Chlorine Residual values in the 5-day Non-Compliance Notification dated September 13, 2017. Mountaire failed to report Total Chlorine Residual values in their July and August DMRs. Mountaire provided a spreadsheet with data on September 29, 2017 including data from September 5, 2017 through September 28, 2017 reporting total Residual Chlorine values less than the required permit range.

Characteristic	Date	Result	Unit
Total Residual Chlorine	9/5/2017	0.04	mg/L
Total Residual Chlorine	9/6/2017	0.03	mg/L
Total Residual Chlorine	9/7/2017	0.85	mg/L
Total Residual Chlorine	9/8/2017	0.7	mg/L
Total Residual Chlorine	9/9/2017	0.65	mg/L
Total Residual Chlorine	9/10/2017	0.7	mg/L
Total Residual Chlorine	9/11/2017	0.45	mg/L
Total Residual Chlorine	9/14/2017	0.59	mg/L
Total Residual Chlorine	9/15/2017	0.3	mg/L
Total Residual Chlorine	9/16/2017	0.39	mg/L
Total Residual Chlorine	9/17/2017	0.35	mg/L
Total Residual Chlorine	9/21/2017	0.42	mg/L
Total Residual Chlorine	9/22/2017	0.47	mg/L
Total Residual Chlorine	9/23/2017	0.4	mg/L
Total Residual Chlorine	9/25/2017	0.41	mg/L
Total Residual Chlorine	9/30/2017	0.50	mg/L

operation of the spray irrigation system: ...Effluent Total Nitrogen concentration: ... By August 31, 2017, the Permittee must submit to the Groundwater Discharges Section a Plan of Corrective Action. The Plan must include proposed efforts to investigate the cause of the elevated Total Nitrogen concentration in the effluent, proposed modifications to the system, and a timeline for implementing proposed modifications."

Violation:

Mountaire failed to submit a Plan of Corrective Action relative to the effluent Total Nitrogen concentrations as required by the permitted Schedule of Compliance, nor did Mountaire request an extension for plan submittal.

- 10. Failure to properly maintain and operate all structures, pipelines, systems and equipment for collection, treatment control and monitoring which are used by the permittee to achieve compliance with the terms and conditions of the permit.**

Citation:

Permit Number 359191-04, Part III.A.2 which states that, *"The Permittee must properly maintain and operate all structures, pipelines, systems and equipment for collection, treatment control and monitoring which are used by the permittee to achieve compliance with the terms and conditions of the permit. Proper operation and maintenance includes, but is not limited to, effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures."*

Violation:

As noted in Mountaire's September 20, 2017 letter, "the apparent root cause of this NCE (Non-Compliance Event) is that proper wasting of bio-solids did not occur on a routine basis."

- 11. Failure to provide a five day non-compliance notification for the following violations:**

Citation:

Permit Number 359191-04, Part IV.A.4 which states, in part, that, *"If for any reason the permittee does not comply with, or will be unable to comply with, any effluent limitations or other conditions specified in this permit, the permittee shall provide the Department with the following information in writing within five days of becoming aware of any actual or potential non-compliance:*

- a. A description and cause of the non-compliance with any limitation or condition;*
- b. The period of non-compliance including exact dates and times; or, if not yet corrected, the anticipated time the non-compliance is expected to continue; and*
- c. The steps being taken or planned to reduce, eliminate and/or prevent recurrence of the non-compliant condition."*

Violation:

Mountaire failed to provide a five day non-compliance notification for:

- a. Effluent Total Nitrogen concentrations exceeding the 15.6 mg/L design value since 2015. Values have been as high as 641 mg/L in September of 2017. Mountaire's Design Development Report Addendum 2011 Wastewater Treatment Improvements submitted by CABA Associates, Inc., dated December 7, 2010, indicates effluent concentrations will not exceed 15.6 mg/L. Mountaire failed to notify the Department of the aforementioned non-compliant condition in writing until September 20, 2017.
- b. Non-compliant Total Chlorine Residual values. Mountaire staff provided verbal non-compliance notification to the GWDS staff on September 7, 2017 that their Total Chlorine Residual values were non-compliant in July. Mountaire failed to notify of the non-compliant Total Chlorine Residual values in the 5-day Non-Compliance Notification dated September 13, 2017. Mountaire failed to report Total Chlorine Residual values in their July and August DMRs. Mountaire provided a spreadsheet with data on September 29, 2017 including data from September 5 2017 through September 28, 2017 reporting total Residual Chlorine values less than the required permit range. Reported non-compliant data is listed in Violation Number 6.
- c. Bypassing storage and discharging directly from the clarifiers to the center pivots as verbally reported to GWDS staff on September 7, 2017 and reported in writing on September 20, 2017.

12. Diverted flows by-passing part of the treatment facility's permitted process flow:

Citation:

Permit Number 359191-04, Part III.A.23 which states, "*The diversion of flow from any portion of the treatment facility's process flow (including, but not limited to, pretreatment, storage, distribution and land application) necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:*

- a. *The bypass is unavoidable to prevent personal injury, loss of life, severe property damage, or materially adversely affect public health and/or the environment; or*
- b. *There are no alternatives readily available.*

The Groundwater Discharges Section must be orally notified within 24 hours after such bypass; and, a written submission regarding the bypass must be submitted within five days of the Permittee's becoming aware of the bypass. Where the need for a bypass is known (or should have been known) in advance, this notification must be submitted to the Groundwater Discharges Section for approval at least ten days prior, or as soon as possible, before the date of bypass.

The treatment facility must be repaired and restored to the permitted design operations process flow."

Violation:

On September 7, 2017 the Department received verbal notice from Mountaire's operational staff that not all flow from the clarifiers was discharging into the storage lagoon.

Investigation by Mountaire's staff found lines discharging directly from the clarifiers to center pivots. Mountaire failed to submit written notification until September 20, 2017 after being required by the Department in a September 15, 2017 letter.

13. Failure to monitor and/or report complete representative data

Citation:

Part II.A and Part II.B of Mountaire's 2017 permit [Part I.G and Part I.I of the 2009 Permit] prescribes monitoring and reporting requirements for influent, effluent, groundwater, lysimeter, vegetation, and operations.

Violation:

A. August 2017 Discharge Monitoring Report reviewed in accordance with the 2017 Permit 359191-04:

- 1) Failed to report Influent Total Nitrogen, Ammonia Nitrogen, Nitrate + Nitrite Nitrogen, Total Phosphorus and Chloride.
- 2) Failed to report Effluent Maximum Daily Flow, pH and Total Chlorine Residual.
- 3) Failed to report monthly worksheet and calculations demonstrating effluent to zone/field/pivot, Nitrogen Loading Rate (lbs/acre), Phosphorus Loading Rate (lbs/acre) for fields CB3 and CB3A.
- 4) Failed to provide lab data sheets for Influent monitoring.

B. July 2017 Discharge Monitoring Report reviewed in accordance with the 2009 Permit 359191-02:

- 1) The September 5, 2017 letter accompanying the DMR indicated that the.... "July 31st analysis is not representative of the effluent on that day. It appears that the composite sampler was sampling only from clarifier A which had a low flow rate with a clear discharge while clarifier B effluent had solids carryover. Although I have attached the remaining required lab analysis for the effluent, I cannot submit this information on the SMR as the data collected for July appears to be invalid. The composite sampler has now been relocated to the wet well that collects the effluent from both clarifiers, and we anticipate that the data collected for future SMRs will reflect actual conditions."
- 2) The 2009 permit requires Fecal Coliform be monitored at the spray irrigation pivot. Therefore, Fecal Coliform should have been able to have been reported on the DMR.
- 3) DMR was signed certifying "the submitted information is true, accurate and complete" though the forms were not complete and the September 5, 2017 letter indicated the data was collected in a location that did not accurately reflect the effluent.
- 4) Failed to report Effluent Maximum Daily Effluent Flow to all Spray Fields.
- 5) Failed to report results on DMR for Ammonia Nitrogen, BOD5, Fecal Coliform, Nitrate + Nitrite Nitrogen, Oil and Grease, Organic Nitrogen, pH, Total Nitrogen,

Total Phosphorus, Total Residual Chlorine, and Total Suspended Solids. Lab data sheets provided for all but pH and Total Residual Chlorine.

- 6) Failed to report monthly worksheet and calculations demonstrating Nitrogen Loading Rate (lbs/acre) and Phosphorus Loading Rate (lbs/acre) for all fields.
 - 7) Failed to provide lab data sheets for Influent.
- C. June 2017 Discharge Monitoring Report reviewed in accordance with the 2009 Permit 359191-02:
- 1) Failed to report Effluent Maximum Daily Effluent Flow to all Spray.
 - 2) Failed to report groundwater monitoring results for monitoring wells MW-23 (243365), MW-42 (70673), MW-43 (70674) and MW-47 (70678) for Ammonia, Arsenic, Chloride, Dissolved Oxygen, Nitrate + Nitrite Nitrogen, pH, Sodium, Specific Conductance, Temperature, Total Dissolved Solids, Total Nitrogen, and Total Phosphorus. Only Depth to Water was reported.
 - 3) Failed to report quarterly lysimeter monitoring results. Last quarterly results received by the GWDS were for March 2017. Quarterly results were due in June 2017.
 - 4) Failed to provide lab data sheets for Influent.

SPRAY IRRIGATION - ACTIONS REQUIRED

- S1. Mountaire must return the facility to compliant operation in accordance with permit limitations and design specifications. By December 1, 2017, Mountaire must submit a corrective action work plan (Plan) to the GWDS for review that details corrective actions, timelines for the actions, as well as, purpose and anticipated results from each action.
- a. The Plan must detail any proposed repairs, restoration, and upgrades to the treatment facility; timeframes to completion; rationale for implementation and expected results.
 - b. The Plan must also include Mountaire's short term and long term actions to address the excessive nitrogen loading on the spray irrigation fields.
- S2. Spray Irrigation:
Mountaire is currently spraying effluent that does not conform to permit requirements. The Department is not approving/condoning spraying of non-conforming effluent on any of Mountaire's spray fields. However, if Mountaire continues to spray non-conforming effluent, as a minimum mitigation requirement for the protection of human health and the environment, Mountaire must:
- a. Continue until further notice, restrictions on spray irrigating during wet weather events to prevent ponding from occurring.
 - b. In the event fecal coliforms exceed permit limits, implement an additional 150 foot buffer distance on each spray field and cease spray operations in windy (> 15 mph) conditions to prevent aerosol migration onto any public or access road from occurring.
- S3. Effluent Monitoring: Continue until further notice, daily effluent monitoring for Fecal Coliform, Total Suspended Solids, Total Dissolved Solids, BOD5, Total Nitrogen, Ammonia Nitrogen, Organic Nitrogen, and Total Residual Chlorine. Fecal Coliform and Total Residual Chlorine should continue to be sampled at the spray irrigation pivot.

- All other parameters shall be sampled at the combined total clarifier (CTC) composite sampling location.
- a. Results should be expedited. Fecal Coliform and Total Nitrates should be reported to GWDS immediately upon verbal notification from the lab.
 - b. All other results can be summarized daily via email. Full lab reports should be submitted with bi-weekly reports unless requested sooner by the Department.
- S4. Groundwater Monitoring: Continue and until further notice, increasing the groundwater sampling as required in Part II.A.3 of Mountaire's Permit to monthly until instructed by the Department that a reduction in sample frequency can occur.
- a. Results should be expedited and reported to GWDS immediately upon notification from the lab.
- S5. Surface Water Monitoring: By December 1, 2017, and until further notice, Mountaire must begin monthly surface water sampling in accordance with the *Surface Water Monitoring Plan* submitted on October 6, 2017 and with the Department's required modifications and additions in its letter dated November 1, 2017.
- S6. Mountaire must continue to provide GWDS with progress reports on a bi-weekly basis. Progress reports should describe with reasonable specificity all steps taken to date to return to compliance and should describe results of remedial actions and should document current storage lagoon levels. Each bi-weekly report must also continue to include an updated spreadsheet summarizing per field: effluent flows, effluent Total Nitrogen concentration (mg/L) and Nitrogen loading (lbs/acre) summarized on a monthly basis and totalized for the year for comparison to the permitted limitation of 320 lbs/acre-year Nitrogen Loading. The spreadsheet should include all sources of Nitrogen to each field (e.g. fertilizer).
- S7. By December 1, 2017, Mountaire must provide the following information relative to the system bypass as requested in the Department's September 15th, 29th, and November 1st letters:
- a. Levels of contaminants of concern in the clarifiers vs. the storage lagoon.
 - b. Explanation of how bypass is warranted in accordance with Part III.A.23 of Mountaire's permit.
- S8. System Analysis: In accordance with the *Wastewater Treatment Facility System Sampling Analysis, and Process Control Procedures* submitted on October 6, 2017, Mountaire must:
- a. Perform microscopic observations of the biomass, to identify filamentous overgrowth before it can reduce clarifier performance. Best Management Practices and Best Professional Judgement would indicate that the microscopic examinations should be completed on a daily basis, and that the microscopic examinations are quantifiable and documented.
 - b. Ensure that system Dissolved Oxygen concentrations are monitored and documented, and that the proper limits are maintained in the treatment system. Ensure that the proper sludge blanket levels are maintained in the clarifiers and that the solids are not maintained in the clarifiers for too long a time period. Treatment Plant Standard Operating Procedures must indicate how sludge blanket depths are determined and what the acceptable range is.

At the conclusion of the Millsboro Mountaire site visit, the Department visited the Mountaire land application farm known as Thorogood farm and observed the ongoing application on the west portion of the farm. The application appeared to be even, almost no sludge remained on the surface, and no odors/vectors were noted; however, buffer areas for the field were not flagged as required in State Permit Number AGU 1402-S-03. The east portion of the field had a soybean crop; however, the crop appeared to be producing poor yields with several areas in the field showing minimal or no growth.

During a September 15, 2017 phone call, the Department asked Mountaire for the current loading rate of Plant Available Nitrogen (PAN) onto the Thorogood farm. The Mountaire representative indicated that they were unsure how to calculate the nutrient loading rate, as required by the Biosolids Regulations and State Permit Number AGU 1402-S-03. On September 19, 2017 Keen Consulting sent an email to the Department on behalf of Mountaire documenting sludge application by Mountaire from January 2017 to present. This document reflected that Mountaire applied 266 pounds of plant available nitrogen per acre onto a portion of the Frame Farm. Based on the proposed crop plan in Mountaire's 2016 annual report, application onto the Frame Farm exceedance of the agronomic loading rate likely occurred. Additionally, State Permit Number AGU 1402-S-03 requires fields to be planted with an appropriate crop within once (1) month of completing sludge application, unless prohibited by weather conditions. On September 8, 2017 a Mountaire representative indicated that land application onto portions of "Frame Farm 880-C and 880-D", had recently concluded. The Department indicated that it was critical to plant a crop on "Frame 20" as soon as possible to minimize the leaching of nutrients into groundwater. According to Mountaire, as of October 24, 2017, the Frame Farm had not been planted. September and October 2017 have not had long periods of inclement weather that would prevent planting an appropriate crop.

AGRICULTURAL UTILIZATION - VIOLATIONS

14. Application of Biosolids Without Submitting a Cropping Plan to the Department for Review:

Citation:

Part I, A.1 of State Permit Number AGU 1402-S-03 permit states:

"Sludge and DAF shall be applied at a rate to meet, but not exceed, the PAN requirement for the crop(s) grown. The PAN application rates shall also include any residual mineralized nitrogen from previous sludge and DAF application. The cropping plan and the nutrient requirement for that crop shall be submitted to the Department, prior to sludge and DAF application, for review and approval."

Violation:

Mountaire did not provide the Department with its cropping plan and the nutrient requirement for the crops being grown, as required in State Permit Number AGU 1402-S-03. To date, Mountaire has not provided the Department with a crop plan for the remainder of 2017 and

2018. According to a submittal by Keen Consulting on behalf of Mountaire, 266 pounds of PAN per acre was applied onto a portion of Frame Farm 880-C and 880-D. Previous crop yields on the Frame Farm indicate that 266 pounds of PAN likely exceeds the agronomic rate for the Frame Farm. Mountaire did not provide the Department with a cropping plan or receive approval prior to applying nutrients and is therefore in violation of State Permit Number AGU 1402-S-03.

15. Violation No. 4 – Failure to Plant an Appropriate Crop at the Conclusion of Application Activities:

Citation:

Part I, A.2 of State Permit Number AGU 1402-S-03 permit states:

“Fields must be planted with appropriate vegetation or a cover crop within one (1) month of completing sludge application, unless prohibited by weather conditions in which case vegetation must be established as soon as practicable.”

Violation:

Mountaire did not plant an appropriate crop within one (1) month of completing sludge application onto portions of “Frame Farm 880-C and 880-D” that recently received sludge application. Mountaire violated crop planting requirements in State Permit Number AGU 1402-S-03.

16. Failure to Mark Buffer Zones Prior to Sludge Application:

Citation:

Part III, A.4, a. of State Permit Number AGU 1402-S-03 permit states:

“Prior to the application of sludge, buffer zones and the areas on which sludge is to be applied must be clearly marked with stakes or other suitable markers acceptable to the Department.”

Violation:

Mountaire did not mark buffer zones for the Thorogood East, Frame Farm 20, and Thorogood West Farms, prior to sludge application. Mountaire violated the buffer zone marking requirements in State Permit Number AGU 1402-S-03.

17. Violation No. 3 – Application of Biosolids to Application Sites Without Notifying the Department:

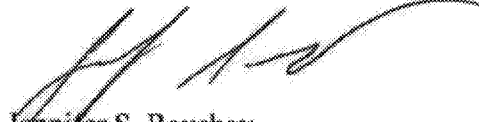
Citation:

Part III, A.4, b. of State Permit Number AGU 1402-S-03 permit states:

“The permittee must notify the Department at (302) 739-9946 at least two (2) working days prior to the application of sludge.”

If you have any questions or concerns, please feel free to contact me at (302) 739-9948. This **Notice of Violation** will be posted on the DNREC website at <http://apps.dnrec.state.de.us/Violations/ViolationsSearch.aspx>.

Sincerely,



Jennifer S. Roushey
Environmental Program Administrator
DNREC – Division of Water

Cc: Beth Sise, Mountaire
John Wren, Mountaire
Jack Hayes, DNREC

EPA FOIA document showing Rick Rogers states that I contacted OECA, his coworker, him, and Delaware's executive offices. Take note of the date.

Message

From: Rogers, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BCE033A9EDE7409D944D8AE868394548-RROGER04]
Sent: 4/24/2021 7:04:52 PM
To: Libertz, Catherine [Libertz.Catherine@epa.gov]; Melvin, Karen [Melvin.Karen@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]
CC: Fulton, Jennifer [Fulton.Jennifer@epa.gov]; Martinsen, Jessica [Martinsen.Jessica@epa.gov]; Gillespie-Marthaler, Leslie [GillespieMarthaler.Leslie@epa.gov]; Amend, Carol [amend.carol@epa.gov]
Subject: RE: Citizen call re: outstanding concerns: Wash Post story, "A poultry plant, years of groundwater contamination and, finally, a court settlement"

This citizen has contacted both Carol Amend and I. We both spoke to him last week. Carol referred information to CID and she also thought NPDES could help, so she also referred this person to me. Last week and this week, he sent me files to review that he said contain evidence that Mountaire is dumping sludge and liquids in multiple places in DE and alleging this contaminated well water. He called me again on Tuesday and left a voicemail message. I started looking through the documents yesterday and sent him an email to let him know I was looking at the documents. In the interim, it looks like he contacted OECA, including Mark Pollins and he may have sent files to Mark. Mark set up a time to speak with me next week about the complaints.

I spoke to Jennifer Roushey at DNREC on Friday. She has spoken to this person multiple times but he has not sent any files or records to her. DNREC still has no evidence from this person that indicates anything illegal is happening. Jenn referred him to DNREC's criminal investigators if he finds evidence.

I cannot tell from talking to him who has attempted to work with. Aside from OECA, Carol, and I, he's contacted the offices of the Governor, DNREC Secretary and DE's AG's office.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) He's provided pictures of standing water in some fields where he's alleged illegal spraying or dumping has occurred. He sent me a spreadsheet with links to aerial imagery from different time periods that shows the creation and disappearance of small ponds on properties all over southern Delaware. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) Much of the aerial imagery is as recent as 2018, so even the most recent is three years old. Mostly, there are anecdotal reports from him or his neighbors that dumping has occurred and that he and his neighbors have or are experiencing health problems from their tap water.

Rick Rogers, Chief
Water Branch (3ED30)
Enforcement and Compliance Assurance Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
rogers.rick@epa.gov
Office: 215.814.5711
Cell: 215.341.4762

From: Libertz, Catherine <Libertz.Catherine@epa.gov>
Sent: Friday, April 23, 2021 6:36 PM
To: Melvin, Karen <Melvin.Karen@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Rogers, Rick

ED_006227_00001004-00001

ED_013032_00000022-00031

EPA FOIA document showing Rick Rogers states that I tried contacting OECA, his coworker, him, and Delaware's executive offices. Take note of the date.

Mr. Rogers states I did not provide water sample data. I was not asked to. When provided to Region 3 Interim Director Diana Escher it didn't make a difference.

Message

From: Rogers, Rick [rogers.rick@epa.gov]
Sent: 6/2/2021 5:49:56 PM
To: Ex. 6 PP / Ex. 7(C)
Subject: Complaints from DE Citizen

Ex. 6 PP / Ex. 7(C) had taken a call from a person in DE, Ex. 6 PP / Ex. 7(C) who alleged that a lot of illegal dumping had occurred in DE and Ex. 6 PP / Ex. 7(C) believed it was in relation to a chicken processing plant and company Ex. 6 PP / Ex. 7(C) mentioned that Ex. 6 PP / Ex. 7(C) based on the information Ex. 6 PP / Ex. 7(C) had to you which would have been around April 13th or 14th.

I also spoke to the same person who has since sent a number of files, including a spreadsheet that Google Maps links to aerial imagery of various places the citizen talked about. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) but our staff investigated the site and it turned out the property owner had a permit to log the parcel. The "waste" that the citizen claimed was illegal dumping was actually piles of saw dust, tree limbs and stumps.

Ex. 6 PP / Ex. 7(C) claims that DNREC in DE has not investigated Ex. 6 PP / Ex. 7(C) complaints and Ex. 6 PP / Ex. 7(C) doesn't trust the state. Ex. 6 PP / Ex. 7(C) believes DNREC employees are either covering up these concerns or ignoring them. I spoke to the person at DNREC who is in charge of the waste water program in DE. Ex. 6 PP / Ex. 7(C) has spoken to the citizen and highly recommended that Ex. 6 PP / Ex. 7(C) convey Ex. 6 PP / Ex. 7(C) information to DNREC's criminal investigation group. Ex. 6 PP / Ex. 7(C) said that to Ex. 6 PP / Ex. 7(C) knowledge, Ex. 6 PP / Ex. 7(C) has not done so, probably because of the lack of trust.

I'm not sure if you looked into what Ex. 6 PP / Ex. 7(C) had sent to you. I have several emails with attachments I can share if you think this is something CID would look into. Ex. 5 Deliberative Process (DP)

Ex. 6 Deliberative Process (DP)

Ex. 6 PP / Ex. 7(C) claims wells are contaminated and that people are getting sick, but Ex. 6 PP / Ex. 7(C) not provided any water sample data. If you'd like to discuss it further, my calendar is up to date.

Rick Rogers, Chief
Water Branch (3ED30)
Enforcement and Compliance Assurance Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
rogers.rick@epa.gov
Office: 215.814.5711
Ex. 6 PP / Ex. 7(C)

EPA FOIA document showing Rick Rogers sent an email after stating I had contacted everyone, claiming I refused to talk to anyone at the state level. The recipient of this email is EPA Region 3 Deputy Special Agent in Charge, **Ex. 6 PP / Ex. 7(C)**, a criminal investigator.

Mr. Rogers then lies about me saying I was being watched, and then mischaracterizes my having left my home. My husband and I are retired and can afford to travel. Out of concern for our welfare we left our home for two months to go to Florida for the winter and work on this case. I believe this was said with the deliberate intention of making me appear insane. Earlier that day, prior to my conversation with Mr. Rogers, I spoke with two other EPA employees, Tom Wall and Carol Amend. Both would characterize my behavior as concerned and not paranoid. I admit, in the beginning I was terrified because I just busted an enormous lawsuit, was being lied to by the government, and was threatened by a state police officer at my home in front of my family, but by the time I spoke with Mr. Rogers I was no longer anxious.

Mr. Rogers continues to discuss evidence of direct impacts to human health. He did not ask for that. When I provided evidence of health impacts to the EPA in the appeal of my FOIA request, again, it did not make a difference.

I have provided photographs of a now-dead victim who told me she had sepsis and MRCA and was covered with 500 sores. I have provided photographs of victims in my community, one of whom died. I provided an elevation profile of citizens in one home downstream of the Inland Bays facility in which all four citizens living there are sick. A neighbor left a voicemail with Ms. **Ex. 6 PP / Ex. 7(C)** saying I was telling the truth and discussing her health issues. Furthermore, Mountaire Farms did not settle for \$65 million because no one sustained injury.

I processed the medical claims for many of the victims. With their permission, I am certain all would be willing to supply them. What happened to our community was a tragedy, and we are united in our cause to end these humanitarian environmental travesties.

EPA FOIA document regarding Rick Rogers' lie to Ms. [Ex. 6 PP / Ex. 7(C)] and his attempt to paint a picture of me as though I have mental illness, as well as his statement to Ms. [Ex. 6 PP / Ex. 7(C)] that he would contact me regarding health issues, which he did not do.

Message

From: Rogers, Rick [rogers.rick@epa.gov]
Sent: 6/9/2021 7:25:06 PM
To: [Ex. 6 PP / Ex. 7(C)]
Subject: RE: Complaints from DE Citizen

Thanks, [Ex. 6 PP / Ex. 7(C)]

Yes, I believe the one in the fall was someone had taken pictures of a small tanker truck thinking they were dumping into the waterways but turned out it was water being collected for research at University of Delaware.

I'm not sure it's the same person for this one. [Ex. 6 PP / Ex. 7(C)] been referred to DNREC's criminal investigations unit, but [Ex. 6 PP / Ex. 7(C)] does not trust anyone at the state level and refuses to talk with them. [Ex. 6 PP / Ex. 7(C)] told me [Ex. 6 PP / Ex. 7(C)] was afraid for [Ex. 6 PP / Ex. 7(C)] own welfare. After one incident where [Ex. 6 PP / Ex. 7(C)] tried to report something, [Ex. 6 PP / Ex. 7(C)] felt [Ex. 6 PP / Ex. 7(C)] was being watched and followed so [Ex. 6 PP / Ex. 7(C)] said [Ex. 6 PP / Ex. 7(C)] spent a week in a hotel to essentially hide.

I'll contact [Ex. 6 PP / Ex. 7(C)] and let [Ex. 6 PP / Ex. 7(C)] know we can't do anything unless we have more evidence of direct impacts to public health.

Thanks,

Rick

Rick Rogers, Chief
Water Branch (3ED30)
Enforcement and Compliance Assurance Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
rogers.rick@epa.gov
Office: 215.814.5711
[Ex. 6 PP / Ex. 7(C)]

From: [Ex. 6 PP / Ex. 7(C)]
Sent: Wednesday, June 09, 2021 2:42 PM
To: Rogers, Rick <rogers.rick@epa.gov>
Subject: RE: Complaints from DE Citizen

Hi Rick,

I have been meaning to respond to the below.

I checked our CID database, and it looks like we responded to a similar complaint last fall, which I believe to be the same situation. [Ex. 6 PP / Ex. 7(C)] [Ex. 5 Deliberative Process (DP)]

[Ex. 5 Deliberative Process (DP)]

I appreciate you circling back with me.

ED_006005_00000002-00001

ED_013032_00000022-00034

EPA FOIA document showing I had spoken with both Mr. Rogers and Mr. Pollins about my concerns regarding both the Inland Bays facility, the illegal landfill, and the unsanitary conditions at the Mountaire factory.

No one in any of the FOIA documents regarding my case discussed any of those issues or any of the other issues listed in the Excel spreadsheet I provide to both aside from one parcel.

Message

From: **Ex. 6 Personal Privacy (PP)**
Sent: 4/23/2021 9:09:10 PM
To: Rogers, Rick [rogers.rick@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]
Subject: Fwd: Mountaire 2 of 2
Attachments: Parcel index.xlsx

Mark and Rick,

I attached an updated copy of the Excel spreadsheet I'm using to categorize things.

I spoke to more people in the community who have the same kinds of illnesses. There is a pattern of vertigo, digestive issues, gall/kidney/tonsil stones, skin conditions, and cancer.

This link contains recent photos and videos I took (you'll see her name come up again) got a video of one of the trucks leaving the dump by her house.

<https://share.icloud.com/photos/0yT5UAljxmQGqbj8m29t2NDVQ>

What you see in those images are the well heads I could get to, an aerial view of the center of the treatment facility, pictures of the piles of dirt the placed on top, and a video of the large pond they created. I pulled a FOIA request a couple of days ago to get all well readings from the Inland Bays water treatment facility since 2015.

The other photos and video of the channel cut through the dirt pile are taken from the parcel where the satellite images shows the dumping in action. There is a straight up illegal landfill there since that satellite image was taken.

Again, I think it would be helpful if I could step you through the slides so I can provide details and answer questions about each.

In the event you forward this to a team to investigate criminal activity, I have witnesses I believe they should speak to who can provide testimony regarding illegal activity in the "clean up" department, who may have orchestrated the illegal dumping and a person who can corroborate why that person was fired, one who can testify that Mountaire wasn't spraying the fields but was injecting directly into the ground with something called an articulating machine, three who can testify to the unsanitary conditions within the plant, and someone who can testify to the fact that they only clean up when they know an inspection is happening as well as working conditions during COVID outbreaks in which they were "packed in like animals".

----- Forwarded message -----

From: Rogers, Rick <rogers.rick@epa.gov>
Date: Fri, Apr 23, 2021 at 11:33 AM
Subject: RE: Mountaire 2 of 2
To: **Ex. 6 Personal Privacy (PP)**

Good morning,

EPA FOIA document sent from Carol Amend to Mr. Rogers. Ms. Amend took matters extremely seriously and did her job honorably. Were she not retired, I would recommend a promotion. She mentions Mountaire Farms, the cases, Ms. Roushey, ongoing polluting, health issues, my concerns regarding settlement maps, the three EPA cases being ignored, and the pond that I discovered in the woods with tracks leading to it where Mountaire Farms had settled on past polluting.

From: Amend, Carol <amend.carol@epa.gov>

Sent: Tuesday, April 13, 2021 4:37 PM

To: Rogers, Rick <rogers.rick@epa.gov>

Subject:

Citizen who called today is: Ex. 6 Personal Privacy (PP) phone number Ex. 6 Personal Privacy (PP)

- Mount Air Farms
- Delaware NOV WD-17-GWD-13, issued 11/2/17
- DNREC POC Jennifer Roushey
- Class Action Lawsuit(s)
 - C.A.No.:S18C-06-009 CAK
 - C.A.No.:18-838-MN-JLH
- Evidence of illegal activity still occurring in woods, including Sussex County-owned property, cleared areas with fresh tire tracks, man-made ponds
- Issues/concerns about water test kits provided by DNREC
- Health issues of citizen and numerous neighbors
- Air and water settlement (perhaps the class action cases, settlements may be imminent)
- EPA case numbers 1298294, 1297869, 1301768
- He believes they are taking waste from Mount Air Farms and illegally disposing of it in the woods, including creation of ponds

EPA FOIA document Send from Mr. Rogers to Ms. Amend.

- 1) I am not "this guy". I am a citizen who called Mr. Rogers about an extremely serious issue.
- 2) I "bent his ear" for 78 minutes, yet he told a criminal investigator I won't let anyone talk to me.
- 3) I was very clear about the case because it is a fraudulent \$65 million settlement. I spoke to Mr. Wall and Ms. Amend about it.
- 4) Mr. Rogers did not subject himself to calling me.

From: Rogers, Rick <rogers.rick@epa.gov>
Sent: Friday, April 23, 2021 11:28 AM
To: Amend, Carol <amend.carol@epa.gov>
Subject: DE complaint about Mountaire

I forgot to tell you, I spoke to this guy on Wed April 14th. He bent my ear for 78 minutes. He also sent me a number of files, mostly what he said he presented to a judge during some sort of appeal hearing.

Anyway, I remember you mentioned referring this over to CID. I wasn't sure if you were going to do that right away or if you were going to leave that to me, which is fine. He wants to get me on the phone and walk me through the files he sent. I might subject myself to that later today.

EPA FOIA document showing Mr. Rogers was well aware what I was discussing was far more than an appeal hearing. We discussed it at length during our 78-minute ear-bending session.

The Fairness Hearing and Disciplinary Action documents further hammer that point home. I do not need to prove additional information, however, the lawsuit is mentioned by ame

Message

From: **Ex. 6 Personal Privacy (PP)**
Sent: 4/14/2021 6:31:06 PM
To: Rogers, Rick [rogers.rick@epa.gov]
Subject: Mountaire 1 of 2
Attachments: FairnessHearingTestimony.pdf; FairnessHearingExhibits.pdf; DisciplinaryAction.pdf; DisciplinaryActionExhibits.pdf

Rick,

Thank you for your time this afternoon. I feel much more comfortable knowing the Federal government is looking into this.

I would like my name to be kept confidential in all matters. If there is an investigation done I don't even want it to sound like it came from a complaint by a citizen because they will all know it was me. There is a small town aspect to this area and part of that is "people talk".

I simply do not have the time to redact the personally identifying information such as my name, email address, phone number, and community from these documents. If they are presented to anyone outside of the government, I would like them redacted. I would prefer the government agencies who work on this put them in their own format. That said, I can rework the documents as needed, but I wanted to get them to you as soon as possible.

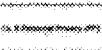
I tracked this information down using Google Maps, Google Earth Pro (free software that shows historic satellite imagery), and the Sussex County property search tool. There is a mapping tool provided by the county for finding parcel IDs, but Landgrid.com is better.

Attached is my testimony to the judge during the fairness hearing and the exhibits I provided him. It covers the areas surrounding the class action suit. As you know, I have identified other areas of concern.

I also attached a letter I sent to the Office of Disciplinary Action. They never got back to me, so I have no idea what happened with that. I no longer care what happens to my attorney and do not wish to pursue that avenue, however there are details within that document that suggest other possible criminal behavior. I have since learned that one of my conclusions was incorrect in that the inability to sue Mountaire Farms forever was only regarding activities they did regarding this suit. I do, however, question the legality of not permitting anyone to sue Mountaire Farms simply because they happen to reside or own property within the settlement areas.

I also provided a copy of the NOV so you don't have to hunt it down.

I am sending a second email as well as the attachments are too big for one.



ED_006227_00000088-00001

ED_013032_00000022-00038

DNREC FOIA document requesting meeting minutes over one of two phone calls I had with DNREC Environmental Crimes Unit Director Patrick Emory discussing both the Inland Bays facility and the illegal landfill located next to the [Ex. 6 Personal Privacy (PP)] home. Mr. and Mrs. [Ex. 6 Personal Privacy (PP)] their daughter, and Mr. [Ex. 6 Personal Privacy (PP)] have sustained grave injuries. I consider both locations to be extremely dangerous.

On April 1, 2022, April Fool's Day, two federal employees and three state employees visited the landfill next to the [Ex. 6 Personal Privacy (PP)] home saying it would be removed. It was not.

Those employees were:

- EPA: Chuck Schadel and Peter Gold
- DNREC: Cody Letsinger, Jena Saxton, and Adam Schlachter

4/27/22, 2:12 PM

Request 22-449 - NextRequest - Modern FOIA & Public Records Request Software

[Skip to main content](#)

Public Record Requests

DNREC

This is a preview of the new
request page

Request page preview [Turn off preview](#)

Request Visibility: Unpublished

Request 22-449 Open



Dates

Received

April 11, 2022 via email

Request

On March 29, 2022 I received two phone calls from Director Patrick Emory of the Environmental Crimes Unit at 9:36 and 9:44AM. We spoke for 88 minutes in total. A woman named Lisa Myurs was taking notes. I would like a copy of those notes.

Requester

Ex. 6 Personal Privacy (PP)

Timeline

Documents

Tasks

Document(s) Released to
Requester

Requester > Staff

Notes Meeting.docx

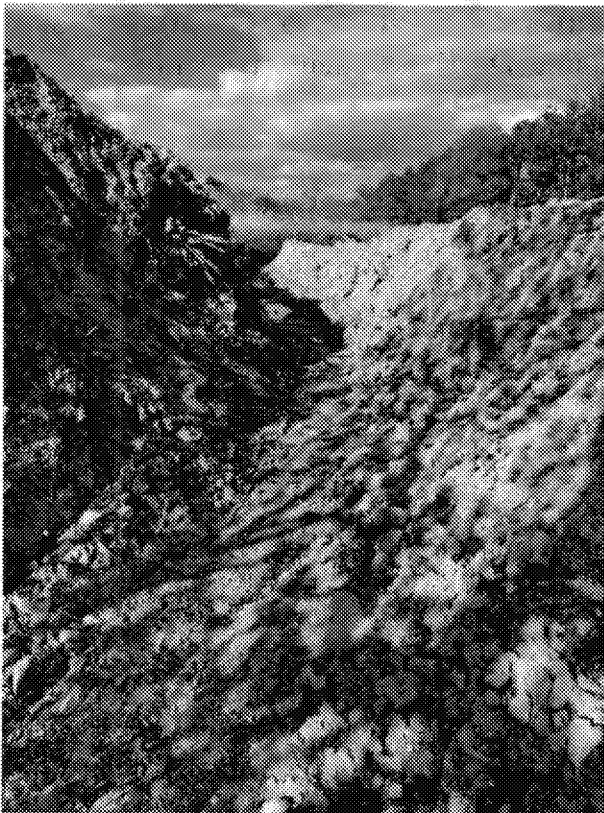
Notes from the aforementioned phone call with DNREC ECU Director Patrick Emory.

Notes 3/29 call from Ex. 6 Personal Privacy (PP)

- Mr. Ex. 6 Personal Privacy (PP) stated that he and his neighbors are becoming ill, with a few people from an illegal landfill in Georgetown, DE, specifically 24730 Lawson Road, owned by Mr. Bob Davidson
- Parcel: 234-21.00-139
- Mr. Ex. 6 Personal Privacy (PP) also brought up the Mountaire Farms chicken factory where he states people have died because of the water pollution from the plant
- Parcel: 234-21.00-138
- Mr. Ex. 6 Personal Privacy (PP) also discussed the Inland Bays Regional Wastewater site and stated that DNREC knows there is an ongoing investigation at that site but are not letting the public know the hazards there as well
- Mr. Ex. 6 Personal Privacy (PP) went on to describe his interactions with EPA Region 3, Sussex County, DNREC, DE State government elected officials, DE Department of Health
- He has put in FOIA requests to DNREC and Sussex County Engineer's office
- Mr. Ex. 6 Personal Privacy (PP) specifically wants to follow up on the Lawson Rd site and Mountaire Farms.

EPA FOIA document indicating I spoke with Richard Rupert. He identified himself as someone from the EPA. He would not let me fully explain the situation and kept cutting me off. Eventually he told me "I don't deal with conspiracy theories" and hung up. I was devastated because finally having someone from the federal government involved, I felt like I would make progress. They did not and they still have not done their jobs or reported back to me on any of the issues regarding my case.

The employee dispatch is Lt. Bryson Ezell. I have spoken with him twice on the phone. Both times he taunted me. He admitted he had been called regarding the landfill on Lawson Rd. three times. When I told him about the large pile of dirt he said it looked like natural erosion and that he saw the pond was clear and had fish swimming in it. In a subsequent phone call he said it was not his job to handle things like that, so I read the law to him on the phone. He said it was my opinion that the landfill is litter.



GPS	
Latitude	38; 38; 20.38999999999942361
Longitude	75; 16; 18.1400000000140693
Altitude	9.49008803597441286
File	
Name	234-21.00-139.00 - Image 1.JPEG
Item type	JPEG File
Folder path	C:\Users\wd52g\Documents\Mou...
Date created	7/12/2021 7:59 PM



GPS	
Latitude	38; 38; 19.70899999999917941
Longitude	75; 16; 18.5800000000163124
Altitude	9.92052841266513
File	
Name	234-21.00-139.00 - Image 2.JPEG
Item type	JPEG File
Folder path	C:\Users\wd52g\Documents\Mou...
Date created	7/12/2021 7:59 PM

EPA FOIA document regarding the aforementioned.

Extended Spill Summary Report for DataID #1773139

Report Date: 6/30/2021

Report Time: 1:26 PM EST

Hotline Log Entry Information

Data ID: 2773139

Date Of Report: 2/18/2021 7:06:00 AM

NRC #: 1298294

State #:

ERNS #:

Material Type: Other

Receiver Report

Material / Amount:

CHICKEN FEES (0 UNKNOWN AMOUNT), NITROGEN (0 UNKNOWN AMOUNT), UNKNOWN CHEMICAL (0 UNKNOWN AMOUNT)

Location:

Street: Ex. 6 Personal Privacy (PP)

City: GEORGETOWN

County: SUSSEX

State: DE

Latitude: Ex. 6 Personal Privacy (PP)

Longitude: Ex. 6 Personal Privacy (PP)

Source of Pollution:

MOUNTAINE FARMIS / MOUNTAINE CORP

Water Body:

SWAN CREEK

Response Type:

Referral to EPA Program/Other Agency

Initial EPA Action:

Notified DNREC. See reports for details.

Status:

2 - Closed

URL:

Associated Action Reports

DataID: 1298294

Date: 2/18/2021	Time: 08:09:39
Duty Officer/Responder Name: Richard Report	NRC Report #: 1298294
Hotline Log DataID: 2773139	
Action Information	
<p>Description: Received Incident Report # 1298294 at 02:53 from Ex. 6 Personal Privacy (PP). Returned call to Ex. 6 Personal Privacy (PP) at 0711 this morning 18 February, 2021. The Incident Report alleges the dumping of chicken feces Ex. 6 Personal Privacy (PP) is alleging a large multi-state conspiracy related to the dumping chicken feces. A preliminary search while focusing on Ex. 6 Personal Privacy (PP) allegations yielded information concerning an enforcement action against Mountaine Farms plants located in Millsboro and Salisbury in December 2019. I repeatedly tried to focus Ex. 6 Personal Privacy (PP) on particulars of the Incident Report and indicated I would be contacting the state to report the alleged dumping and determine the current status of their enforcement action. Ex. 6 Personal Privacy (PP) then became extremely agitated and again alleged that the DNREC was part of the conspiracy. I repeatedly urged Ex. 6 Personal Privacy (PP) to focus on his allegation of recent dumping but he continued with his allegation of a broad conspiracy involving various state and local agencies. I warned him if he did not stay focused on the alleged recent dumping I would hang up, he continued and I hung up. Ex. 6 Personal Privacy (PP) called back and I asked him to please answer my questions related to his report. Still he continued with his allegations in the most agitated and conspiratorial manner. I again warned him repeatedly to stick to the facts of his recent allegations of dumping and he refused. At 0737 I hung up for the final time.</p> <p>I then contact DNREC Environmental Crimes Enforcement Officer Bryson Ewell and provided him details on the call and allegations. I forwarded Officer Ewell the Incident Report including this summary for follow up.</p>	
Follow-Up: Contacted State	
Personnel Call Log	
<p>Name: Bryson Ewell Organization: DNREC Environmental Crimes Phone #: 302 333 6429</p>	

Associated NRC Report

NATIONAL RESPONSE CENTER 1-800-424-8802

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1298294

INCIDENT DESCRIPTION

*Report taken by NRC on 18-FEB-21 at 02:06 ET.

Incident Type: FIXED

Incident Cause: DUMPING

Affected Area: SWAN CREEK

Incident occurred on 18-FEB-21 at 02:00 local incident time.

ED 006227 00000915-00001

ED_013032_00000022-00042

EPA FOIA document indicating my phone records showing I called the EPA hotline, was hung up on, called again begging for the case to be opened, and told the EPA does not deal with conspiracy theories. At the risk of sounding trite, conspiracy is a word for a reason.

The satellite image³ Mr. Rupert refused to look at shows dumping of liquid in progress. On that same parcel is now an illegal business and illegal landfill. Behind their home is where Mountaire Farms settled on polluting and where it is ongoing.

The EPA, like the FBI, should change the policy of being rude and hanging up on citizens trying to report crimes. It is irresponsible, it is dangerous, and it is the antithesis of the duties of those federal offices.

EXHIBIT I

Call log regarding U.S. EPA Case 1298294

verizon

Billing period
Jan 29, 2021 - Feb 28, 2021
Account number
[REDACTED]

Ex. 6 Personal Privacy (PP)

Talk activity (cont.)

	Date	Time	Number	Origination	Destination	Min.	Airtime Charges	LD/Other Charges	Total
Call to EPA, no case opened	Feb 18	10:42 AM	202-554-8902	WFL CL	Tel. Pres. CL	31	---	---	---
Call to EPA, case opened	Feb 18	7:39 AM	202-554-8902	WFL CL	Tel. Pres. CL	60	---	---	---
EPA case manager says "I don't deal with conspiracy theories"	Feb 18	7:41 AM	202-554-8902	WFL CL	Remediation B. DE	19	---	---	---
EPA case manager refuses to look at satellite	Feb 18	7:24 AM	202-554-8902	Remediation B. DE	Pres. PA	2	---	---	---
12-minutes voicemail left explaining nature of dumping	Feb 18	7:27 AM	202-554-8902	Remediation B. DE	Pres. PA	12	---	---	---

ED 006227 00000088-00184

³ <https://goo.gl/maps/TWvZpw8LMnSM1CbI9>

The following is an excerpt from Notice of Violation W-17-GWD-13 discussing domestic waste fecal coliform bacteria.

Evidence of Mountaire Farms' septic system reaching failure is shown on April 24 and May 25, 2017. After receiving 12.58 inches of rainfall in the previous eight weeks, on August 30, 2017, a single storm dropped 3.83 inches of rain onto already saturated fields. August 30, 2017, was the first of the major bacterial releases.

Ms. Ex. 6 PP / Ex. 7(C) has repeatedly told me she needs a nexus to begin an investigation. Criminal or not, this is an extremely serious matter. Common sense cannot be tossed out the window. The septic system is likely in failure and must be addressed or the region will see a repeat catastrophe because the government is too addicted to revenue streams and too embarrassed to admit they allowed the most disgusting crime ever to take place and covered it up when it did. Those are not acceptable reasons to disregard an incredibly dangerous situation.

Note that I do not harbor resentment against Ms. Ex. 6 Personal Privacy (PP). She is a professional detective. I understand I will likely not be told if an investigation is underway. That said, I would appreciate knowing so I can carry on with my life.

The factory is still polluting according to the monitoring well data. I have seen the effluent coming out of their spray heads and it is clearly not being properly treated. This information is known to the state and federal government.

Sussex County is now applying for a permit to double the size of the failed Inland Bays facility without first repairing what is there. That public notice is rife with errors, instructs the public to call someone who is retired, uses sampling data from before the Mountaire catastrophe, intends on using the soil where Mountaire theoretically dumped sludge as the base layer for a "research project" that by definition will contaminate groundwater by design. I arranged for the state soil scientist, a USGS employee, to test the soil. That did not happen.

According to a PhD meteorologist and corroborated by a former EPA water enforcement employee who understands the science, the spray fields at Inland Bays and Mountaire Farms will likely fail for two meteorological reasons.

The government is unquestionably deliberately playing with citizens' lives.

5. The permit limit of 200 colonies/100 mL for Fecal Coliform was exceeded on the following days:

Citation:

Permit Number 359191-04, Part I.D.11 states, in part, *"The facility has been designed for limited public access. The treated wastewater utilized for limited public access sites must meet the following daily permissible average concentrations... b. Disinfection of wastewaters containing domestic waste is required to yield a discharge not to exceed 200 col/100 mL Fecal Coliform."*

Violation:

Mountaire reported the permit limit of 200 mg/L for Fecal Coliform was exceeded on the following days:

Characteristic	Date	Result	Unit
Fecal Coliform (FC)	4/24/2017	800	col/100 ml
Fecal Coliform (FC)	5/25/2017	301	col/100 ml

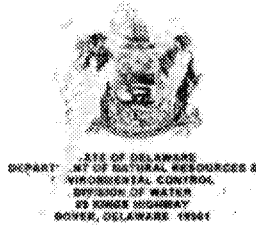
Mountaire Farms of Delaware, Inc.
Notice of Violation W-17-GWD-13
November 2, 2017

9

Fecal Coliform (FC)	8/30/2017	727,273	col/100 ml
Fecal Coliform (FC)	8/31/2017	1,100,000	col/100 ml
Fecal Coliform (FC)	9/15/2017	> 8,000	col/100 ml
Fecal Coliform (FC)	9/26/2017	110,000	col/100 ml
Fecal Coliform (FC)	9/27/2017	> 1,000	col/100 ml
Fecal Coliform (FC)	9/28/2017	790,000	col/100 ml
Fecal Coliform (FC)	9/30/2017	1,400	col/100 ml

Delaware document discussing concern over high nitrates as far back as 2010.

A stockpile of manure is also mentioned. County-owned properties surrounding the Inland Bays facility have piles stretching deep into the woods. Even they are not the cause of the nitrates, it is disgusting, dangerous, it is illegal, and should be removed wherever it is.



August 6, 2015

CERTIFIED MAIL #70111150000029873674

Attn: Heather Sheridan
Director of Environmental Services
Sussex County Division of Environmental Services
PO Box 589
Georgetown, DE 19947

Re: Inland Bays Regional Wastewater Facility (RWF)
State of Delaware Spray Irrigation Permit LTS-5004-90-12
2015 Annual Compliance Inspection

Dear Ms. Sheridan,

The Groundwater Discharges Section (GWDS) has performed the 2015 Annual Compliance Inspection for the Inland Bays RWF on June 24, 2015. A copy of the Inspection Report is enclosed for your review. Please review the report carefully and if you feel there are any discrepancies, please provide written documentation within 30 days of the date of this letter.

At the time of the inspection of Inland Bays RWF, the following were Items of Concern regarding the current permit and/or 7 Del. Admin. C. §7101, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems.

• Item 10, Permit Limit Criteria:

- Citation: Permit LTS-5004-90-12, Part I.F, states, "Operation of the spray irrigation system shall not cause the quality of Delaware's ground water to be in violation of the applicable Federal or State Drinking Water Standards on an average annual basis".
- Background: Nitrate levels detected in monitor wells associated with Inland Bays RWF are above the EPA's Drinking Water Standard of 10 mg/L. The concern of elevated nitrates has been noted in earlier Annual Compliance Inspections 2010 and 2013 (a 2014 Annual Inspection was not performed). Email correspondence and phone conversations between Michael Winters and myself, from May 18, 2015 through May 21, 2015 and later including you from May 28, 2015 forward, discussed MW 16 (DNREC ID 228543) and MW 24 (DNREC ID 238968) and possible causes of high spikes in nitrate levels, such as the stockpile of manure in recent years. During the Annual Inspection, all attendees discussed the topic in detail concluding that further analysis was warranted. All Annual Reports received by the GWDS for the Inland Bays RWF indicated that compliance was maintained regarding the nitrogen applications for each spray field acre on a yearly basis. The nitrate concentrations continue to be above the limit for the following highlighted wells:

Delaware's good nature depends on you!

2018 Notice of Non-Compliance regarding Inland Bays Regional Wastewater Facility. Take note of the recipient.

No corrective demands were made until signs were placed in summer of 2021 when I brought it up the failures to the county engineer.



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

December 27, 2018

First Class Mail, and
CERTIFIED MAIL 7014 1820 0000-5868 0440

Attn: Todd Lawson, Town Manager
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

Re: 2018 Compliance Inspection and *Notification of Non-Compliance*
Inland Bays Regional Wastewater Facility
State of Delaware Spray Irrigation Permit LTS 5004-90-12

Dear Mr. Lawson,

The Groundwater Discharges Section (GWDS) performed a Compliance Inspection at the Inland Bays Regional Wastewater Treatment Facility (Inland Bays) on October 4, 2018. A copy of the Inspection Report is enclosed for your review. Please review the report carefully and if you feel there are any discrepancies, please provide written documentation by January 18, 2019.

At the time of the inspection of Inland Bays, there were areas of non-compliance noted with the current permit and/or 7 Del. Admin. C. § 7101, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems (Regulations).

The following are *Items of Concern* and/or *Areas of Non-compliance* as they appear in the 2018 Compliance Inspection Report:

Items of Concern:

• *Item Sludge Storage*

- Permit Conditions: Part II.A.9, Removed Substances which states in part, "Solids, sludge's, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from entering the surface water or groundwater and to applicable federal or state laws or regulation."
- Permit Conditions: Part III.C.2, Sludge Handling Requirements which states in part, "Prior to any planned change in the permittee's sludge use, treatment or disposal practice(s), the permittee shall notify the Department's Groundwater Discharges Section in accordance with the requirements of Part II.A.5 of this permit. A change in the permittee's sludge use,

Delaware's good nature depends on you!

Cover page of expired Inland Bays Regional Wastewater Facility permit. The expiration date is highlighted in yellow.

Spray Irrigation Permit

Issued by: Groundwater Discharges Section
Division of Water
Department of Natural Resources
and Environmental Control
89 Kings Highway
Dover Delaware 19901
302-739-9948

State Permit No. LTS 5004-90-12
DEN Number: 339141-05
Effective Date: July 13, 2012
Amended Date: October 16, 2012
Amended Date: March 14, 2013
Amended Date: October 8, 2015
Amended Date: October 20, 2015
Amended Date: October 17, 2016
Expiration Date: July 12, 2017




AUTHORIZATION TO OPERATE AND MAINTAIN
UNDER THE LAWS OF THE
STATE OF DELAWARE

PERMITTEE: **Sussex County Council**
PO Box 589
Georgetown DE 19947

FACILITY: **Inland Bays Regional Wastewater Treatment Facility**

1. Pursuant to the provisions of 7 Del. C. §6003, **Sussex County Council** is herein authorized to operate and maintain the facility known as **Inland Bays Regional Wastewater Treatment Facility** located on the north side of County Road 306, between County Road 307 and 303, Sussex County, Delaware (Sussex County Tax Map Parcel Number 2-34-22-14) to collect and treat domestic wastewater from the Long Neck Sanitary Sewer District (LNSSD), the Oak Orchard Sanitary Sewer District (OOSSD), and the Angola Sanitary Sewer District (ANSSD) and to spray irrigate the treated wastewater on spray fields located both north and south of County Road 306, west of County Road 307, east of County Road 303, and north of County Road 297, Sussex County Delaware.
2. The effluent limitations, monitoring requirements and other permit conditions are set forth in Part I, II and III hereof.


John G. "Jack" Hayes, Jr.
Environmental Program Manager
Groundwater Discharges Section
Division of Water
Delaware Department of Natural Resources
and Environmental Control

10/18/16
Date Signed

Email indicating the domestic waste fecal coliform bacteria levels in the NOV were not investigated.

This email, copied to Region 3 Deputy Special Agent in Charge, **Ex. 6 PP / Ex. 7(C)** and Attorney General Jennings is in response to class counsel having been asked 1) if counsel had investigated the bacteria levels, 2) how counsel knew polluting took place in areas that were not part of the NOV, 3) if and whom counsel alerted within the government, and 4) documents created by counsel's expert witness.

Even after asking a second time for the name of the government official told of the crimes and for a copy of the correspondence, counsel refused to provide the information aside from saying "DNREC". Furthermore, there is an all-encompassing confidentiality agreement covering everything regarding settlement. This makes it all a secret between class counsel, Mountaire Farms, the judge, and the government.

In meetings and in letters received from counsel, class members were repeatedly told not to discuss anything related to the lawsuit with others. Aside from the broken settlement website, a second website (mountairecase.com) was created by counsel that glamorized him. After having been confronted and it was clear I was making a lot of noise and not going away, that website was brought offline. I downloaded a copy with the DNS records before it was removed.

Judge Karsnitz sits on the same small judiciary committee as class counsel, Mr. Brockstedt, and did so when the case was live. He was also class counsel on a case in which Mr. Brockstedt was co-counsel just few years previously. I have been told other attorney tried to enjoin on the case but Mr. Karsnitz put a stay. Perhaps he has a legal out regarding the letter of the law, but there is also something called the spirit of the law. Judge Karsnitz should have recused himself.

Likewise, I testified at the Fairness Hearing and presented evidence that the government may have been involved. Judge Karsnitz took a 15 minute break before rendering his verdict. He could not possibly have had the time to review my materials and should have placed a stay in the case.

Immediately after the gavel went down and the case was settled, Mr. Karsnitz asked to speak with the junior attorney working with co-counsel, Brent Ceryes. Those of us watching on video were dumbfounded.

Chase T. Brockstedt <chase@bmbde.com>

Mon, Apr 4, 1:54 PM

TO: **Ex. 6 PP / Ex. 7(C)** attorney.general@delaware.gov, me

Thank you for your email. Our prosecution of Mountaire was a civil case based on nitrates in the groundwater and hydrogen sulfide in the air. The only state agency that we communicated with regarding the allegations in the complaint was DNREC. We did not evaluate any potential criminal case against Mountaire as that is not what we do and is not what our case was about. With regard to the disposal of sludge, the information primarily came from responses to FOIA requests from the EPA and the State, and information we learned through the discovery process. We did not investigate or research the Inland Bays facility. Finally, there is a court approved confidentiality agreement in place that applies to nearly all of the discovery, expert reports, etc.

Chase T. Brockstedt
Baird Mandelae Brockstedt, LLC
1413 Savannah Road, Suite 1
Lewes, Delaware 19958
Tel. 302.645.2262
Fax. 302.644.0306

Email from David Baird discussing a warning issued to the State of Delaware (and the EPA per our conversation) that they were concerned that limiting wastewater options to ocean outfalls and land application would cause major problems.

In addition, Mr. Baird told me in our meeting that Sussex Conservation District warned the Delaware Government and the EPA that their method of waste disposal was going to cause major problems, which it has.

Regarding that, I would like to issue a FOIA request for all emails and documents of any sort, meetings that were held, contact information for who was told, what they were told, when they were told, and what response was given. A summary will do.

There are other sites of illegal activity taking place throughout the county as well. Mr. Baird may have told you that I recently discovered Mountaine Farms appears to be once again polluting. I am working on that issue with the EPA. We can discuss the others at a later date.

If you discuss this matter with Mr. Baird or anyone else in the government, I would like meeting minutes to be taken and provided to me, along with their name, title, and contact information of anyone involved. I request that you tell them to do the same.

If you have a case number to provide me, I would like to know that number. For EPA records, I would like this and all future interactions regarding these issues to be attached to my EPA case 1298294.

This is an extremely serious issue and I expect that it will be treated as such. The lives and health of Delawareans is at stake.

Thank you.

David Baird <david.baird@sussexconservation.org>

Mar 11, 2022, 7:58 AM

to me, Jessica [REDACTED] attorney general

[REDACTED] Ex: 6 Personal Privacy (PP)

Thank you for your email of March 4, 2022 regarding your concerns with activity at Sussex County's Inland Bays Wastewater Treatment Plant. Please allow this to serve as SCD's response based on available information and our findings.

David Baird <david.baird@sussexconservation.org>

Mar 11, 2022, 7:58 AM

to me, Jessica [REDACTED] attorney general

[REDACTED] Ex: 6 Personal Privacy (PP)

Thank you for your email of March 4, 2022 regarding your concerns with activity at Sussex County's Inland Bays Wastewater Treatment Plant. Please allow this to serve as SCD's response based on available information and our findings.

In response to your concerns related to sites 1, 2 and 3 at the Inland Bays WWTP, SCD has found that Sussex County is filling in and leveling depressions and low spots in the fields used for spray irrigation. These areas are considered an agricultural use based on how they are currently utilized as part of the County's wastewater operations and the components of a conservation plan are addressed in the associated State permits for the wastewater treatment facility. With this said, the filling activity is exempt from the requirements under the sediment and stormwater regulations and does not require a permit. Any further questions related to the permits for the wastewater treatment facility should be directed to Sussex County and/or DNREC.

Additionally, SCD has found no evidence to support your claim that a major public works project is taking place in sites 1, 2 and 3. SCD has not received, reviewed or issued approval on any applications for construction activity within sites 1, 2, or 3.

In your email you also referenced two additional properties. I am providing you with the current status from SCD. I would also suggest you reach out to Sussex County for additional information as they have jurisdiction over land use activity.

Parcel 135-20.00-157.00: Whiskey Borrow Pit...An approval was granted by SCD for a borrow pit on May 26, 2021

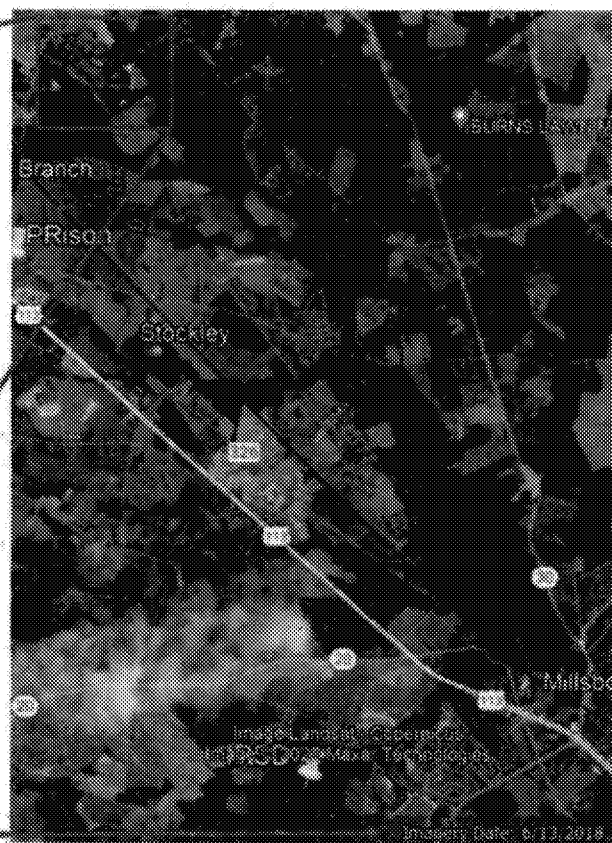
Parcel 234-11.00-49.05: Beachtree Preserve...An approval was granted by SCD for a residential subdivision on October 5, 2020.

Finally, your email referenced our conversation regarding concerns that were raised over the method of waste disposal. Your statement is not completely accurate from the standpoint that it was not the Sussex Conservation District that issued that warning. At that time, I was working as the Town Manager of the Town of Georgetown. These discussions took place as the State of Delaware, through DNREC, was establishing the Total Maximum Daily Loads (TMDLs) for the Inland Bays Watershed which started in mid-1998 and continued on for a period of months, if not a year or two. I am not aware of any records that the Town or I maintained related to these discussions. The Sussex Conservation District would not have any records associated with this issue. If records do exist, they would most likely be maintained by DNREC and I am not aware of any case number.

Again, thank you for your inquiry.

Email from David Baird, continued. The borrow pit in question was issued the permit after the borrow pit was installed. I have identified numerous non-permitted borrow pits throughout the area. All are filled with liquid, and some are quite enormous. No answer was provided aside from Diana Esher stating her staff had looked at the information I provided and did not see any issues. I am 100% certain that statement is false.

Ms. Esher also said it is unlikely that even if my community's wells are contaminated that the source of that contamination could be determined. The EPA has tools to do so, there are elevation profiles, tracers can be run, I am testing our water regularly. Two things are certain. If the EPA does not investigate the matter then there definitely isn't a way to tell. Second, there is a failed wastewater facility behind my home that is the most likely culprit. Address it!



Satellite imagery date: 6/13/18

Imagery Date: 6/13/2018

The following identifies a potential conduit for money laundering.

In a public hearing held May 10, 2022, regarding a permit to expand the size of the facility, Mr. Lawson stated the county will maintain compliance as they always have. None of the demands listed in the Notice of Non-Compliance were made and historic satellite imagery indicates the facility has never been properly managed. Clearly Mr. Lawson does not care at all about the environment.

In an email to Special Agent Ex. 6 PP / Ex. 7(C) and Attorney General Jennings, Sussex Conservation District's David Baird (who was previously town manager of Georgetown, Delaware) stated that the massive excavation project underway at Inland Bays is "Sussex County is filling in and leveling depressions and low spots in the fields used for spray irrigation." (I have photos of one of the major excavation areas showing there were no low spots. I also have photos and witnesses regarding excavation being done which was denied by the county engineer. Likewise, it is absurd to think they wouldn't excavate given the enormous erosion that had been on the surface since the facility opened.) It is interesting they would start with that rather than correct the permit violations outlined in the Notice of Non-Compliance, which still have not been addressed.

Chris Bason, Executive Director for an environmentalist organization named Delaware Center for Inland Bays (DCIB), recently resigned unexpectedly, to spend time at home raising his daughters.⁴ The voicemail for DCIB states the office is currently open by appointment only. I question why he would retire from that prestigious position to spend time home with his family if it is that he already works from home. I spoke with Mr. Bason last year regarding an enormous clearing in the woods nearby Mountaire Farms' Frankford factory⁵. There are truck paths all through those woods. Mr. Bason told me they are "repairing the swamp", something I assumed Mother Nature takes care of. I have been told the organization that owns that land, Delaware Wild Lands, has something of a dubious past. Likewise, there are piles located on that property and large areas that have been logged. I attempted via FOIA request to get a copy of the logging permits. That FOIA request was not honored.

I sent Mr. Bason an email asking for his organization's assistance in dealing with a number of major environmental issues that I believe are impacting the Inland Bays watershed. Mr. Bason did not return my email.

I find his retirement (and that of Mark Pollins-EPA, Virgil Holmes-DNREC, and John Rebar-DNREC) to be a bit suspicious, particularly given his age and position. I cannot prove those retirements were not planned. Just like finding out that Naida Graves retired, my curiosity feels justified. Ms. Graves was the person Secretary Garvin told me "that personnel issue has been resolved" after I told him she had accused me of being with the attorneys simply for asking what areas were impacted by Mountaire Farms and subsequently provided me one bottle to test my water, omitting the bottle that tests for nitrates.)

I downloaded a copy of the IRS 990 tax forms for DCIB from the IRS. Enormous sums of money flow through it. To test the waters, I requested a copy of the forms from the office manager. After waiting one week I left a voice mail saying they are required by law to provide a copy to me. At that point the forms were provided. My copy has an additional year than what I was provided. That said, they did provide the three years as is required by law.

That organization has 24 employees and 25 board members. Included on that board is Secretary Garvin, whose office has been entirely unaccountable since I discovered the lawsuit is fraudulent, Todd Lawson, and David Baird, who acts as their treasurer for free.

⁴ <https://www.capegazette.com/article/chris-bason-step-down-center-inland-bays-role/237875>

⁵ <https://goo.gl/maps/RURqg7YTgTBmKxFG9>

Advertisement for the lawsuit.

The northern-most sludge disposal areas on this map were included in the lawsuit filing as Exhibit A (as opposed to settlement Exhibit A). Like the Inland Bays Regional Wastewater Facility, they were not part of the initial Notice of Violation. When asked how this area was known to have polluting before discovery was granted, class counsel stated, "With regard to the disposal of sludge, the information primarily came from responses to FOIA requests from the EPA and the State, and information we learned through the discovery process".

There has not been a permit to apply sludge to that land since the 1993. (The data on the county website is incorrect for technical reasons when they uploaded the files online.) Therefore, there would have been no documents to FOIA. Even if there were, it is unlikely class counsel would have known to look for them. Someone had to have alerted him.

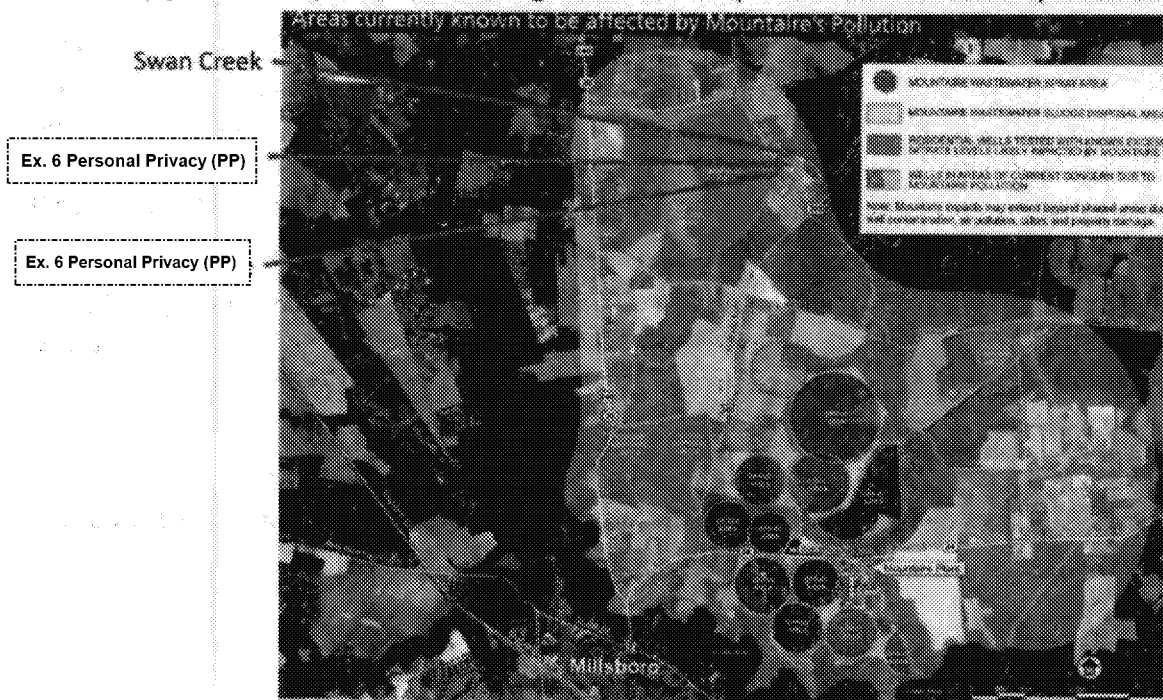
A series of emails⁶ between county and state employees discusses this and other parcels in such a way that they were aware Mountaire Farms was polluting but decided not to address the issue for political reasons. This is outlined in the FOIA request for documents related to my EPA case. Mr. [REDACTED] and Ms. [REDACTED] (and many others) were unjustly dropped from settlement. I wrote an appeal for them (and two others) that was successful insofar as counsel settled on the site.

The final settlement map was later expanded to include Inland Bays Regional Wastewater Facility without first alerting class members, even though class counsel knew about the illegal dumping as early as October 2018 (likely much earlier), over two years before settlement was reached.

All indications are that class counsel extorted and/ or colluded with DNREC in an attempt to "legally" place citizens into settlement for a public trust crime they were not told took place. Settlement was then engineered to prevent citizens from suing the government or Mountaire Farms for that activity.

EXHIBIT A

Map provided to plaintiffs indicating "Areas currently known to be affected by Mountaire's Pollution".



Letter sent to class members regarding direction of groundwater flow. The aforementioned appellants were dropped from the lawsuit even though their homes are downgradient. They settled on the side and have a gag order. I do not.

EXHIBIT C

Information provided to me by my attorney stating,

"The groundwater in the vicinity of Mountaire generally flows toward both the Indian River and Swan Creek."

Citizens

Citizens own property and reside within approximately five (5) miles of the facility. All of their homes have groundwater wells for the supply of drinking water and, with the exception of Ex. 6 Personal Privacy (PP) their wells exceed the drinking water standard for nitrate. In addition, Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) utilize Indian River, located within one mile of Mountaire, for fishing, boating and other recreational activities. The groundwater in the vicinity of Mountaire generally flows toward both Indian River and Swan Creek, which is located adjacent to Mountaire and is hydrologically connected to the Indian River. These waters are tributaries of Indian River Bay, a part of the Delaware Inland Bays, which constitute an estuary of national significance. Indian River Bay and the marine portion of Indian River have been designated by Delaware as Waters of Exceptional Ecological and Recreational Significance and must be "accorded a level of protection and monitoring in excess of that provided others waters of the State" and "restored, to the maximum extent practicable, to their natural conditions." Delaware Surface Water Quality Standards, sections 3.0, 5.6.

EFiled: Mar 22 2021 04:44PM
Transaction ID 66444355
Case No. S18C-06-009 CAK



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

GARY and ANNA-MARIE
CUPPELS, individually and on
behalf of all others similarly situated,
Plaintiffs,

v.

MOUNTAIRE CORPORATION, an
Arkansas corporation, MOUNTAIRE
FARMS, INC., a Delaware
corporation, and
MOUNTAIRE FARMS OF
DELAWARE, INC., a Delaware
corporation.
Defendants.

C.A. No.: S18C-06-009 CAK

TRIAL BY JURY OF 12
DEMANDED

**NOTICE OF JOINT MOTION FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AGREEMENT AND OTHER RELIEF**

PLEASE TAKE NOTICE that the attached Joint Motion for Final Approval
of Class Action Settlement Agreement and Other Relief will be presented at the
Fairness Hearing on April 12, 2021 at 9:30 a.m.

BAIRD MANDALAS BROCKSTEDT, LLC

/s/ Chase T. Brockstedt

Chase T. Brockstedt, Esq. (DE #3815)

Stephen A. Spence, Esq. (DE #5392)

1413 Savannah Road, Suite 1

Lewes, Delaware 19958

(302) 645-2262

Attorneys for Gary and Anna-Marie Cuppels and those
similarly situated.

Date: March 22, 2021

Page 119 of the settlement document. Dr. Harvey Cohen states that Mountaire Farms disposed of "sludge" on the Inland Bays facility. This is the only place the public was warned. The document states there are "records" of that transaction. I as not provided copies of those records because of an overarching nondisclosure agreement. Therefore, I am not told what I was poisoned with, when, for how long, and how much. Yet, I have ongoing medical conditions that I am expected to solve.

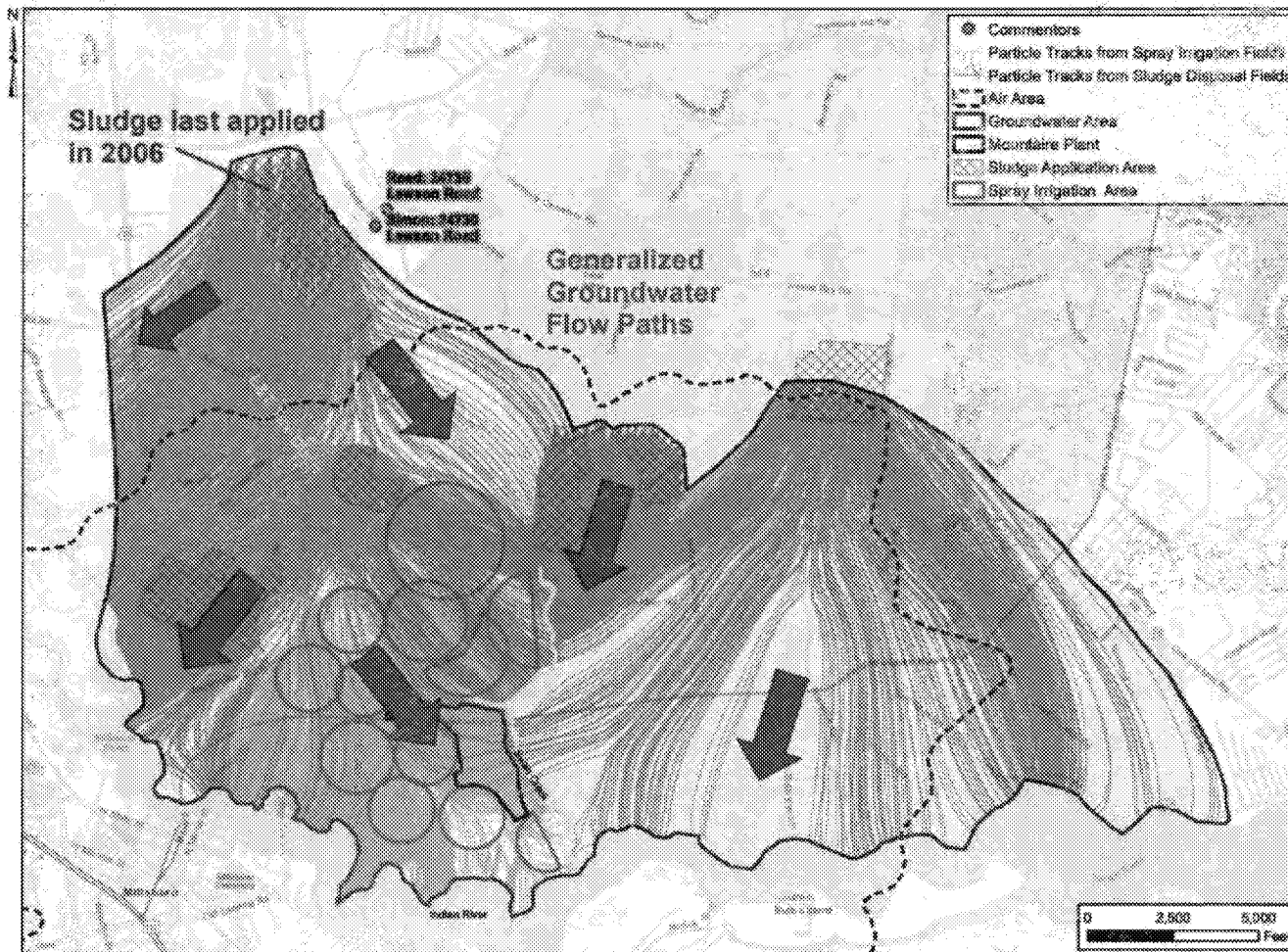
- b. Delaware Geological Survey, Digital Water-Table Data for Sussex County, Delaware (Digital Data Product No. 05-01). 2005.
 - c. He, Changming, and A. Scott Andres. 2015. Simulation of Groundwater Flow and Contaminant Transport in Eastern Sussex County, Delaware with Emphasis on Impacts of Spray Irrigation of Treated Wastewater. Delaware Geological Survey. Report of Investigations No. 79.
5. The area of groundwater concern was updated in the October 2018 letter to Chase Brockstedt based upon additional information, including records that indicated Mountaire had disposed of sludge on the southern portion of the Hettie Lingo field, on the south edge of the Inland Bays water treatment facility.
- a. Based upon the sources cited above, as well as additional regional hydrogeology and modeling reports, the area of groundwater concern was extended eastward to address the potential pathways of contaminant migration from the former Hettie Lingo farm.
6. A revised delineation of the area of groundwater concern was presented in the reports of January 14, 2020 and April 28, 2020. The area of groundwater concern was refined, based upon mapping of groundwater data and particle tracking. The methods are outlined in Sections 2.2 and 2.3 of the January report. The area of groundwater concern defined by the envelope of particle tracks from Mountaire's wastewater and sludge disposal areas represents the likely area over which nitrate from Mountaire's operations has traveled or is likely to travel in the future (see Exhibit A attached).
- a. The primary source of information used for mapping water levels were monthly and quarterly groundwater elevation data from Mountaire spray field and sludge application field monitoring wells. Some quarterly data were also available from monitoring wells at the Inland Bays water treatment facility.
 - i. Data were grouped by sampling event (generally by month), and there were more than 60 events between February 2001 and June 2019 for which some data were available.

The map displays the project area for the Inland Bays Regional Wastewater Facility. It includes a legend in the top right corner with the following items:

- Objectors (indicated by a circle with a dot)
- Commentors (indicated by a circle with a dot)
- Air Area (indicated by a dashed line)
- Mountain Plant (indicated by a solid line)
- Groundwater Area (indicated by a solid line)

Key roads shown on the map include Highway 101, Highway 24, Highway 26, and various local roads such as Cedar Road, Highway 101, Highway 24, Highway 26, and various local roads. The map also shows the locations of Objectors and Commentors. A scale bar in the bottom right corner indicates distances up to 5,000 feet. A north arrow is present in the top left corner.

Page 165 of the settlement document. This map is also non-scientific. Inland Bays is the sludge application area north of the right-most arrow. The most obvious example of non-scientific mapping are the particle tracks to the right of that arrow. They traverse the stream. Likewise, the division north of the arrow is right where a poor minority community is. There are other examples of the same. If a settlement deliberately based on fraudulent science should not be allowed to stand because the decision to opt out was based on lies. The statement "Sludge last applied in 2006" is false. I have an affidavit of a citizen who witnessed it being applied at a later date. Furthermore, I witness and documented apparent ongoing polluting and photographed spray heads.



Misleading information supplied at the public hearing regarding the Inland Bays expansion project, presented by county engineer, Hans Medlarz. County manager Todd Lawson also misled the public by stating they will maintain permit compliance as they always have. The transcripts are not yet prepared, so I could not provide them in this packet. The facility has never been properly maintained, the Notice of Non-Compliance was sent to him, and the facility continues to operate in failure.

Public Notice Presentation

Ex. 6 Personal Privacy (PP)

to Hans, attorney-general, joe.rogalsky, [REDACTED]

Tue, May 10, 11:16 PM (6 days ago)

Hans,

At this evening's public hearing regarding the permit for the expansion planned for Inland Bays Regional Wastewater Facility, you said the picture on one of your slides was grainy. It was a satellite image of the spray fields.

Please send me a copy of the presentation as it was provided to the hearing officer along with a copy of the original image used to make the presentation. I would also like to know your source for that image and when it was captured.

Please reply all to this email.

Thank you,

[REDACTED]

Hans Medlarz

to me, attorney-general@delaware.gov, joe.rogalsky@delaware.gov, [REDACTED]

Wed, May 11, 6:48 AM (5 days ago)

[REDACTED]

aerial picture with overlay of monitoring wells and lysimeters as requested.

Hans M. Medlarz, P.E.

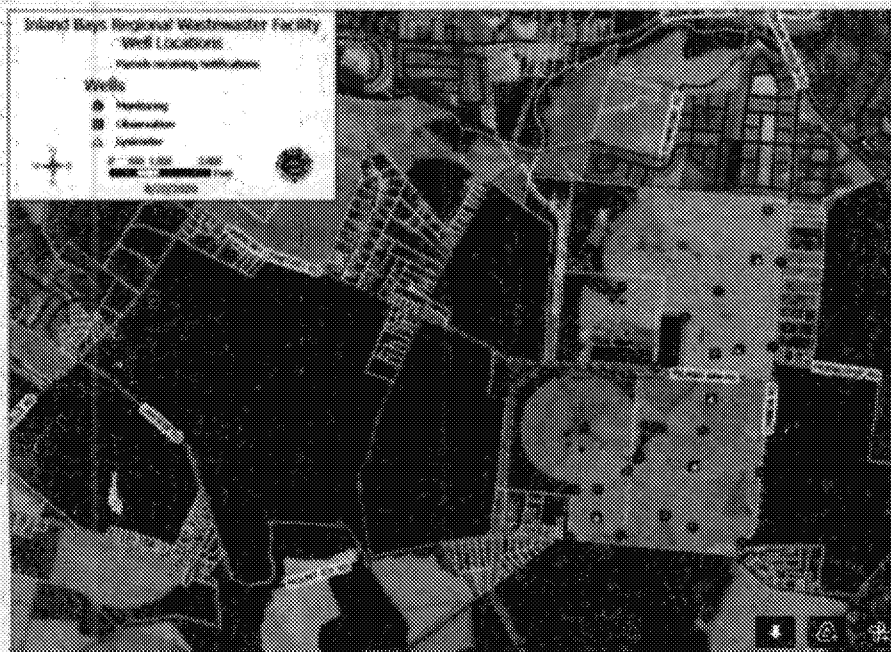
Sussex County Engineer

2 The Circle | PO Box 589

Georgetown, DE 19947

hans.medlarz@sussexcountysc.gov

(302) 855-7728



Warnings

In the years of 2017 and 2018 the facility was issued warnings regarding the permit violations concerning numerous items, among which included excessive nitrate levels.

Formal Notice of Non-Compliance

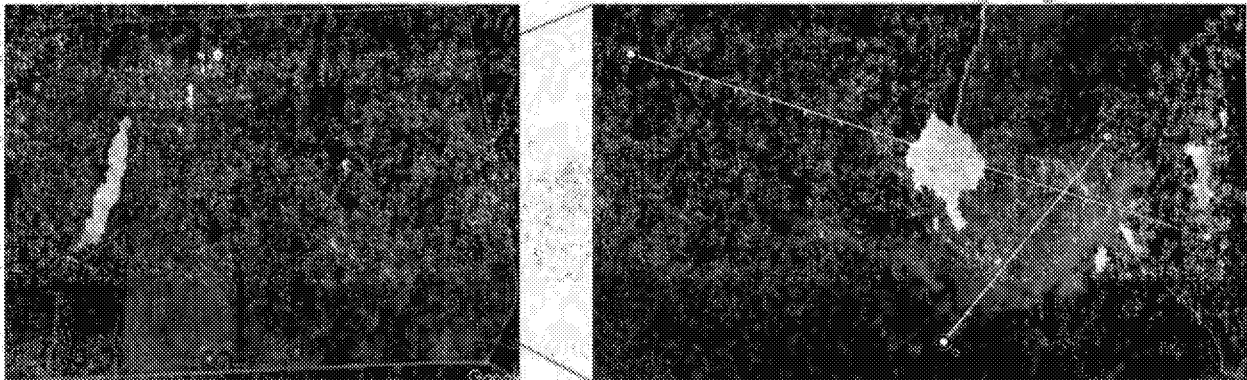
On December 27, 2018, Todd Lawson, Sussex County Town Manager and the Sussex County Counsel were issued a formal Notice of Non-Compliance (see attached). That Notice of Non-Compliance addresses water quality issues and orders corrective demands as follows:

- **Item Sludge Storage**
 - Concern: Permittee is storing sludge from another facility, South Coastal without a permit.
 - Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to evaluate their sludge storage and disposal plan to determine if a permit is needed and, if required begin taken actions necessary to obtain such permit.
 - Status: Unknown
- **Monitoring Data**
 - Concern: In 2017 monitoring data was in excess of Federal and State drinking water standards.
 - Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to investigate and report to the GWDS on the probable cause of the high nitrate-nitrite in the monitoring wells and lysimeters.
 - Status: It is unknown if the report was submitted. However, between January 2015 and December 2020 monitoring wells were above the Total Nitrogen limit of 10 mg/L as follows:

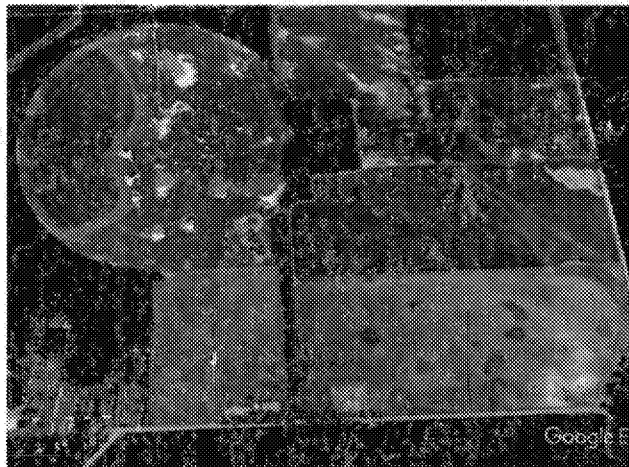
	<u>Count</u>	<u>Percentage</u>
Total Readings:	705	
Out of Range:	175	24.82%
No Reading Taken:	66	9.36%
Excluded:	4	0.57%
Total Violations:	245	34.75%

Note: In some quarters no testing was performed.

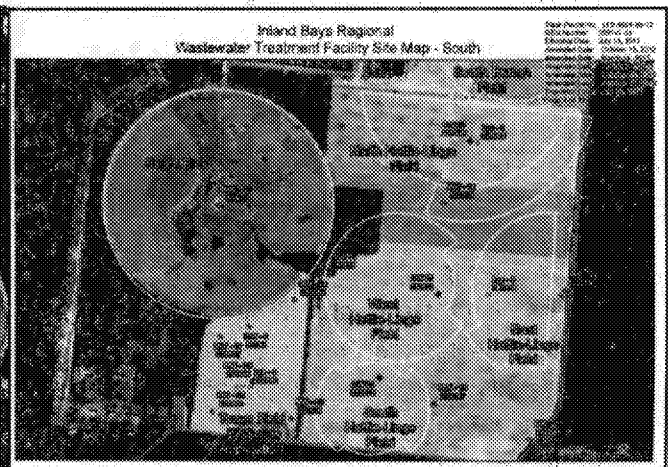
- **Monitoring of Freeboard**
 - Concern: Facility installed a transducer to monitor effluent storage lagoon levels, but have not recorded lagoons depts, since June 2018 in order to document a three-foot freeboard is being maintained.
 - Corrective Action: By February 1, 2019, the GWDS requires Inland bays to determine the lowest point of the storage lagoons and mark them.
 - Status: Unknown. The most recent satellite image dated June 13, 2018, shows the fields are saturated and runoff and erosion are widespread. The inset erosion measures approximately 360 feet by 820 feet.



August 31, 2005, satellite image.

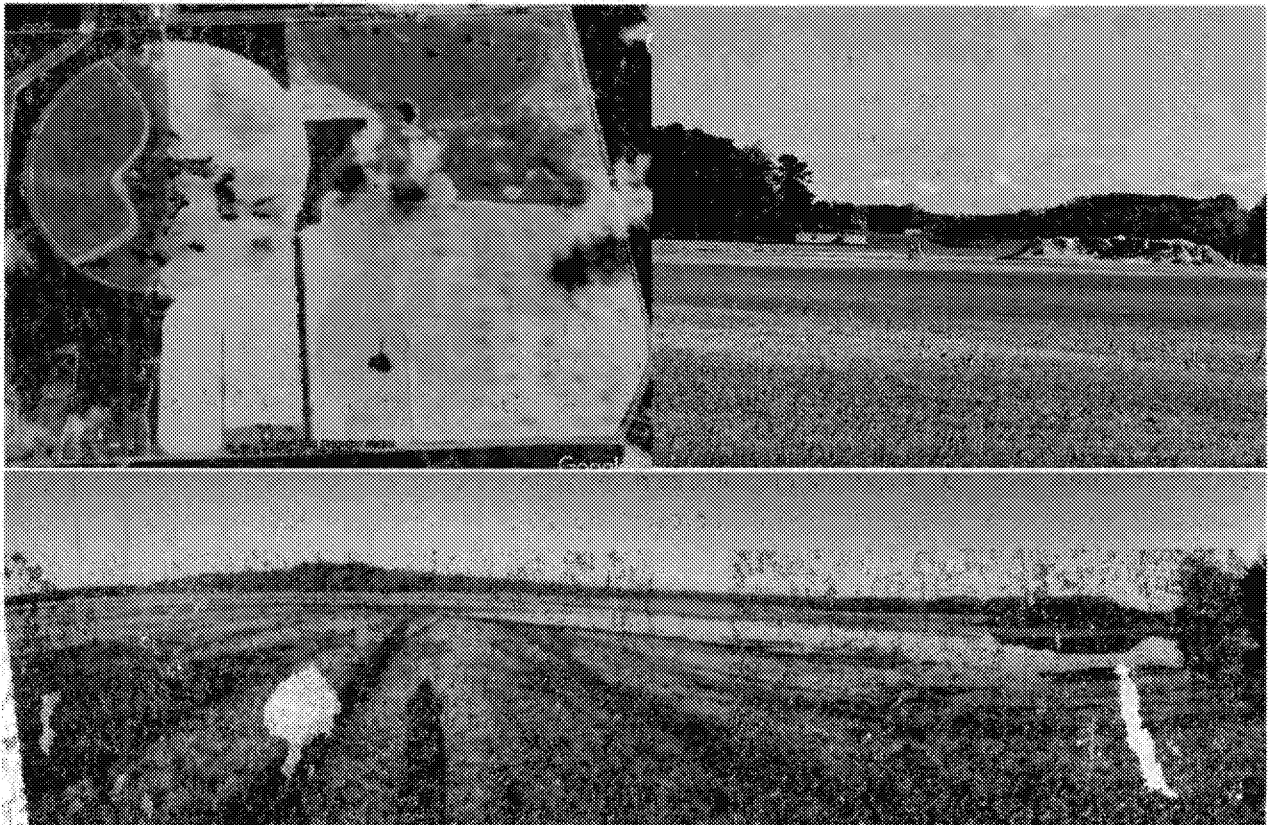


Satellite Image from expired permit



- Facility Operations

- Concern: Spray pivots on the South and North Hettie-Lingo fields were leaking wastewater. The permittee reported the spray rigs on North and South fields will be repaired or replaced by fall of 2018.
- Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to inspect all pivots to determine which pivots need repair and/or replacement.
- Status: Unknown. Satellite imagery dated May 25, 2021, and a photograph dated April 16, 2021, and April 20, 2021, suggest nothing was repaired.



- Maintaining Spray Buffer Zones

- Concern: Facility is spraying wastewater on South Burton and North Hettie Lingo fields with an internal public access road dividing these two fields. When wastewater is sprayed a 100 foot buffer is not being maintained.
- Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to investigate the cause of the wastewater drifting onto the internal road and submit a solution to maintain the 100 foot buffer.

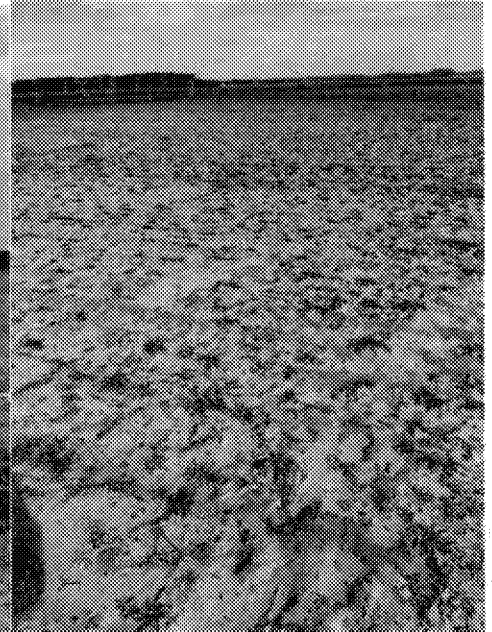
- Status: Satellite imagery dated May 25, 2021, indicate buffer zones remain out of permit.



Incorrect buffer zones

- Crop Condition

- Concern: The south field did not have crop (soybeans) on a good portion of the field (see file for pictures).
- Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to submit a work plan ... that ensures cropping follows their vegetative management practice even in the event of inclement weather.
- Status: Crops remain an issue. These photographs dated February 24 and March 15, 2021, indicate no crops were planted this winter. Nevertheless, the field were sprayed daily.



When questioned as to why no crops were planted, Sussex County engineer, Hans Medlarz stated that triple-dosed rye grass (the wrong crop) was planted and grew well until snow geese destroyed the entire crop... all 432.5 acres. Local citizens did not notice an inordinate number of snow geese this year. According to https://www.allaboutbirds.org/guide/Snow_Goose/lifehistory: "Snow Geese are vegetarians with voracious appetites for grasses, sedges, rushes, forbs, horsetails, shrubs, and willows. They will consume nearly any part of a plant—including seeds, stems, leaves, tubers, and roots—either by grazing, shearing plants off at ground level, or ripping entire stems from the ground."

to Redacted

Good afternoon Redacted

Thank you for reaching out as well as sharing the settlement document. I was off on Friday and needed some feedback before I could respond. Please see our answers below staying with your numbering scheme:

1. Triple dosed rye seed was drilled in last fall. It came up and grew well until the snow geese destroyed the entire crop.
2. The County is pursuing a constructed wetland concept at the North Burton Field which will be used to evaluate possible groundwater remediation options.
3. The IB facility is still operating under an administratively extended permit.
4. The County cannot agree to initiate any PFAS testing. This is a DNREC or DHSS issue.

Best regards, Hans

Hans M. Medlarz, P.E.

Sussex County Engineer

2 The Circle | PO Box 589

Georgetown, DE 19947

hans.medlarz@sussexcountysde.gov

(302) 855-7728

- Facility Signs

- Concern: Signs indicating the facility is spraying wastewater were not located along the perimeter of the spray fields.
- Corrective Action: By February 1, 2019, the GWDS requires Inland Bays to install signs...
- Status: Signs were not placed until after June 29, 2021.

Hans Medlarz <hans.medlarz@sussexcountysde.gov>

Jun 29, 2021, 12:31 PM

to me

Greetings,

You are correct my understanding of your concerns are much better today. My apologies again for running out yesterday but I had a prearranged meeting in Milford.

How does anytime Friday morning look on your schedule? I want to share with you our grading plan as well as touch on the highlights of last year's presentation.

Regards, Hans

P.S. We are putting the signs up along Mount Joy Road this week. They were already installed along Cannon Road.

Note: The comment regarding signs already having been placed along Cannon Road is a half-truth.

Additional Facility Mismanagement

Potential Devastating Overflow:

A citizen was told that the facility operators were concerned about the potential for overloading the lagoons, which the citizen was told would be "devastating". The employee said plant operators had sent numerous communications to Sussex County officials regarding their concerns.

The following FOIA request was issued:

RE: FOIA request 21-0480

FOIA, DNREC (MailBox Resources) <DNREC.FOIA@delaware.gov>

Tue, Jun 1, 8:58 AM

to me, Lee

Dear Mr. [REDACTED]

This email is to acknowledge that the Delaware Department of Natural Resources and Environmental Control (DNREC) received your Freedom of Information Act (FOIA) request on June 01, 2021. You requested:

I would like all correspondence since 2015 from the Inland Bay's facility sent to DNREC or to anyone in Sussex County regarding capacity concerns regarding the potential for overloading the lagoons.

In accordance with Delaware's FOIA statute, within 15 business days you will receive a further response from DNREC substantively responding to your FOIA request or otherwise responding consistent with Delaware's FOIA statute.

Thank you for your FOIA inquiry to DNREC.

In a June 11, 2021, the citizen was told this would take approximately 25 hours to locate and would cost \$1,240. Beyond seeming like a method to prevent me from accessing that data, it indicates that overloading of the lagoons may, in fact, be a potential catastrophic issue.

FOIA Request 21-0480 Cost Estimate

Sobocinski, Lee (DNREC) <Lee.Sobocinski@delaware.gov>

Fri, Jun 11, 4:17 PM

to me, DNREC

Dear Mr. [REDACTED]

This email is in response to your Freedom of Information Act (FOIA) request on June 1, 2021. You requested:

I would like all correspondence since 2015 from the Inland Bay's facility sent to DNREC or to anyone in Sussex County regarding capacity concerns regarding the potential for overloading the lagoons.

Delaware's FOIA statute states in 29 Del. C. § 10003(m)(2) that:

Administrative fees. — Administrative fees shall be levied for requests requiring more than 1 hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA requests, including, without limitation: identifying records; monitoring file reviews; and generating computer records (electronic or print-outs). Prior to fulfilling any request that would require a requesting party to incur administrative fees, the public body shall provide an itemized written cost estimate of such fees to the requesting party, listing all charges expected to be incurred in retrieving such records. Upon receipt of the estimate, the requesting party may decide whether to proceed with, cancel, or modify the request. Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated for quarter hour increments) of the lowest-paid employee capable of performing the service.

We have been advised that twenty-five (25) hours of staff time will be required to process the request. The lowest-paid employee capable of processing the request is Engineer IV.

Task	Hourly Rate	X	Time Needed	= Cost per employee
Process Request	\$49.62		25 hours	\$1,240.50
Grand Total:				\$1,240.50

Spraying During Windy Conditions:

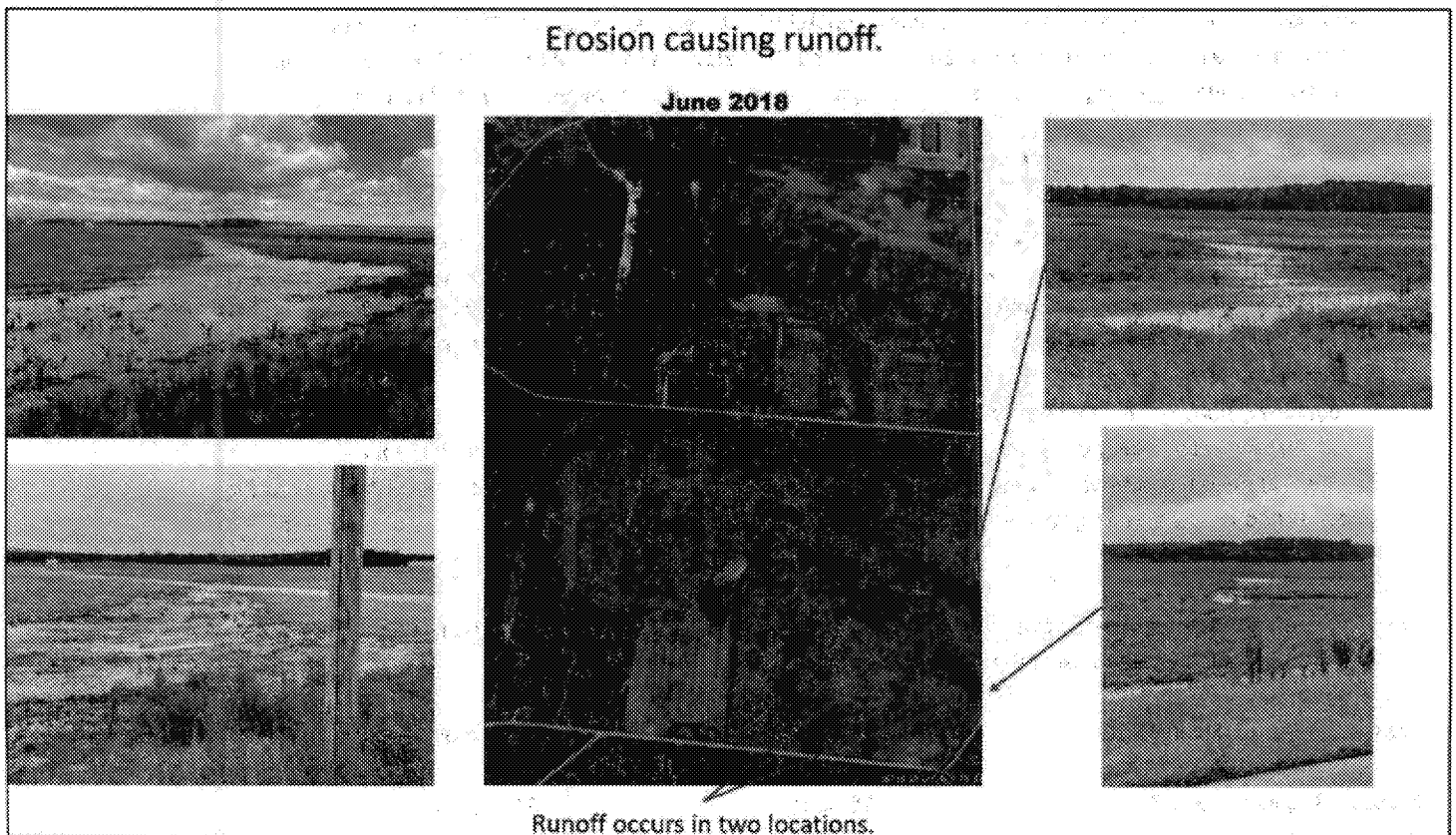
Spraying during windy conditions aspirated the spray over the woods toward homes. Citizens believe this explains the coughing/sneezing fits that left them unable to catch our breath.

Photo taken April 20, 2021



Massive Erosion and Runoff:

This was brought to the attention of Mr. Medlarz in a meeting dated June 28, 2021. The repairs have not been made.



Spray Field Mismanagement and Spraying on Barren Fields:

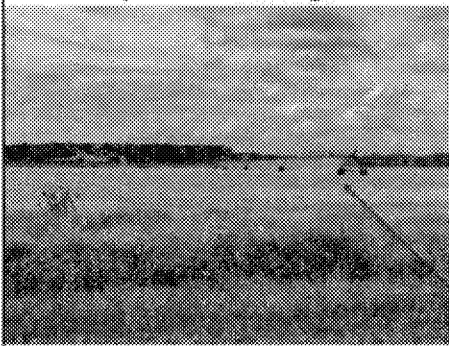
May 3, 2021, photo showing crop debris from spray field filling up the gully on Cannon Rd.



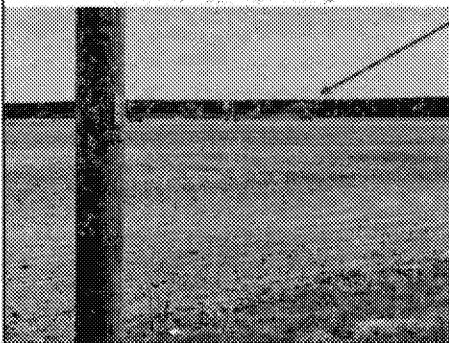
September 21, 2021, photo showing crop debris being irrigated just following harvest.



September 21, 2021, photo taken just after harvesting.

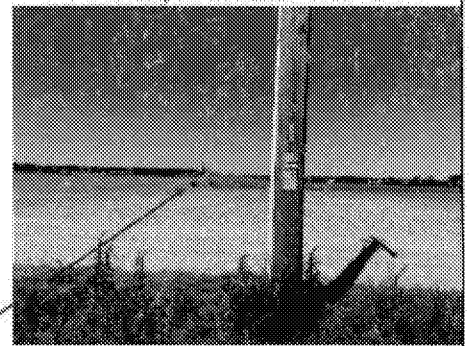


June 2, 2021, photo taken two days after planting.

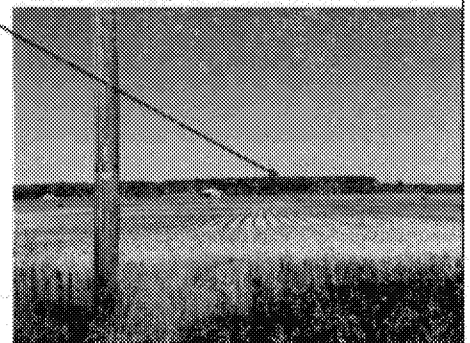


Spraying on Barren Fields

May 15, 2021, photo. This field may not be considered barren.



May 18, 2021, photo. This field may not be considered barren.



Implication in Mountaire Farms Catastrophe: 03/30/2017 - 02/19/2017

On November 2, 2017, Mountaire Farms was issued Notice of Violation W-17-GWD-13 for egregious polluting. That polluting took place on Mountaire Farms' spray fields.

See: <https://tinyurl.com/4ua979av>

Ex. 6 Personal Privacy (PP)

May 16, 2022

Vice President Kamala Harris
Eisenhower Executive Office Building
1650 Pennsylvania Avenue
Washington, DC 20502

RE: Environmental Justice

Dear Madam Vice-President,

Attached is a letter I am sending to President Biden regarding a very serious set of environmental issues taking place in Millsboro, Delaware, ten miles from President Biden's resort home in Rehoboth Beach.

What I did not cover in that letter involves widespread corruption of public officials, a fraudulent \$65 million state-level class action settlement¹, and an accompanying fraudulent \$140 federal lawsuit against Mountaire Farms, a major poultry processor. According to the settlement document, Mountaire Farms illegally disposed of sludge Inland Bays Regional Wastewater Facility, a public utility, and on private property.

The wastewater facility has been in failure since 2010, was issued a Notice of Non-Compliance in 2018, and has been operating on an expired permit since 2017. The corrective demands listed in the Notice were not made, the facility continues to operate in failure, and Sussex County plans to double its size. The public notice² regarding that expansion is rife with errors, instructs citizens to contact someone who is retired, and is engineered to pollute by design, and includes what the county refers to as a research project. Furthermore, the soil intended to be used for that project is that on which the settlement document states Mountaire Farms illegally disposed of sludge.

Citizens and class members were not told of the failures at the wastewater facility, or that Mountaire Farms committed that crime, until I discovered it buried in a single sentence on page 119, item 5, of the settlement document. Because of that, my community continues to suffer extreme health issues.

As you will read in the letter to the president, my husband, Dr. [Ex. 6 Personal Privacy (PP)] holds a PhD in meteorology and worked for NOAA for 30 years before retiring in December 2020³. He has published hundreds of peer-reviewed articles and is widely regarded as an international expert in large and small-scale weather patterns.

Our names are listed in yellow on page [] of the settlement document because we objected to the lawsuit settlement for scientific and other corrupt reasons.

¹ <https://www.mountaيرesettlement.com/pdf/Cuppels-v-Mountaire-Mtn-for-Final-with-ex.pdf>

² <https://dnrec.alpha.delaware.gov/events/public-hearing-inland-bays-regional-wastewater-treatment-facility/>

³ [https://www.cpc.ncep.noaa.gov/information/who_we_are/cpc_staff/\[Ex. 6 Personal Privacy \(PP\)\].shtml](https://www.cpc.ncep.noaa.gov/information/who_we_are/cpc_staff/[Ex. 6 Personal Privacy (PP)].shtml)

The short explanation regarding settlement is that air and water cannot reasonably be modeled to the degree of accuracy shown in the settlement maps. What appears to have taken place is that settlement has been drawn to include entities and individuals associated with the poultry industry, and to exclude communities along property lines. In other words, self-dealing. There are other very serious issues of impropriety as well.

With regard to the federal lawsuit, the final consent decree was to include remediation and resulted in treated water being provided to class members in one small area. No remediation was performed at the public wastewater facility near our home, and my community was not provided access to clean water, yet we also sustained and continue to sustain severe injury and death.

The consent decree was developed by both federal and state employees. According to class counsel, the state government was made aware of Mountaire disposing of sludge at the facility and did not cite or fine either Mountaire Farms or Sussex County, nor were class members told by class counsel. In addition, the decree did not include my community for inclusion in the map for those who are provided access to clean water. I believe that is a violation of my right to Due Process.

The criminal behavior in these matters extends into the Region 3 office of the EPA. An employee named Rick Rogers lied about me to Deputy Special Agent in Charge, Ex. 6 PP / Ex. 7(C) Mr. Rogers told Ms. Ex. 6 PP / Ex. 7(D) that I refuse to let anyone in the government talk to me. The opposite is true. Prior to his email to the criminal investigator, Mr. Rogers himself states in emails to other EPA staff that I attempted contacting everyone in the chain of command at the state level that I should have. Mr. Rogers also sent an email to a coworker painting me in a light that I suffer mental illness, which I do not.

Because of the fraudulent lawsuit and ongoing public corruption, I have been unable to obtain legal counsel for either the ongoing injuries, to stop the expansion of the Inland Bays facility, to perform the corrective demands, or to cease non-permitted activities. Likewise, the U.S. Attorney for the Delaware region told me it is a state issue. When I explained the criminal behavior extends into the federal government I was hung up on, just as I have been hung up on by the FBI and EPA repeatedly. Gentlemen, sometimes big crimes and big corruption happen.

I have a great deal of evidence to support my claims and will be providing it to your departments when time permits. I have been working no less than 80 hours per week on this extremely serious issue since early 2021. This is not how I anticipated spending retirement.

I need immediate assistance. Having lived in the Washington, DC, area until I was 48 years old, and spending a great deal of my career working with the Department of Defense for the Pentagon, I am intimately familiar with how government works. I have done things exactly the way a citizen is required to do and found precisely zero accountability.

Delaware will be making a determination regarding permit approval for expanding the Inland Bays facility shortly. Though I am a lifelong Democrat, I am quite familiar with how politics is played. If I do not receive a reply by June 1, 2022, I will hand all of my information to Marjorie Taylor Greene, Ted Cruise, Sarah Palin, and all of the extremist right-wing media outlets.

Respectfully,

Ex. 6 Personal Privacy (PP)

PCF-2DE2-1364



U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Mail Code 1101A
Washington, DC 20460
Attn: Administrator Michael Regan

MAY 28 2022